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Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd of December 1865, and is hereby promulgated for general information :—

Act No. XXIX of 1865.

An Act to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865.

Preamble.

Whereas it is expedient to amend the Pleaders, Mookhtars and Revenue Agents' Act, 1865 (Act No. XX of 1865); It is enacted as follows :—

Persons qualified as Pleaders or Mookhtars when Act No. XX of 1865 shall come into operation may continue to practise for six months as if that Act had not been passed.

1. Notwithstanding anything contained in the Pleaders, Mookhtars and Revenue Agents' Act, 1865, any person who at the time when such Act shall come into operation shall be duly qualified to practise as a Pleader or Mookhtar in any Court in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as a Pleader or Mookhtar, as the case may be, in such Court for the period of six calendar months from the time when the said Act, shall come into operation in that part of India, without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act had not been passed.

Fees now payable by any person in respect of his adversary's Pleader to be payable during the six months as if Act XX of 1865 had not been passed.

2. All fees which are now by law payable upon proceedings in any Court by any party in respect of the fees of his adversary's Pleader shall continue to be payable, and may be allowed during the said period of six calendar months as if the said Act had not been passed.

Persons practising as Revenue Agents when Act No. XX of 1865 shall come into operation, may continue to practise for six months as if that Act had not been passed.

3. Notwithstanding anything contained in the said Act, any person who all the time when such Act shall come into operation shall practise as an Agent in any proceeding before the Board of Revenue or in any Office subordinate to such Board, in any part of the territories in which the said Act shall take effect, shall and lawfully may continue to practise as an Agent before such Board or in such Office, as the case may be, for the period of six calendar months from the time when the said Act shall come into operation in that part of India without being admitted or enrolled, or having previously obtained a stamped certificate in pursuance of the said Act, in the same manner as if such Act, had not been passed.

High Court may permit person entitled, without examination, to a certificate authorizing him to practise as a Pleader in the Courts mentioned in Act No. XX of 1865, Section 10, Clause (c), to practise in Small Cause Courts.

4. Whenever the High Court shall cause a certificate, whether original or renewed, authorizing the holder to practise as a Pleader in the Courts mentioned in Clause (c) of Section 10 of the said Act, to be issued to a person entitled, under the proviso in Section 5 of the same Act, to be admitted and enrolled as a Pleader in the High Court without passing any examination, the Court may in such certificate authorize the holder to practise as a Pleader in Small Cause Courts in addition to the Courts mentioned in the said Clause (c), and he shall thereupon be entitled to practise as last aforesaid, subject to the conditions contained in the said Act as to the duration of and stamp on a certificate authorizing the holder to practise as a Pleader in the Courts mentioned in the said Clause (c).

Interpretation clause.

5. In the construction of this Act and of the said Act No. XX of 1865, the expression 'Office subordinate to such Board' and in the construction of the latter Act, the expression 'Revenue Office,' shall be taken to apply to Collectors and Deputy Collectors trying suits under Act No. X of 1859

(to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal).

This Act to be taken as part of Act No. XX of 1865.

6. This Act shall be read with and taken as part of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd day of December 1865, and is hereby promulgated for general information :—

ACT No. XXX OF 1865.

An Act to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation.

Preamble.

Whereas, by an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State in Council of the one part, and the Madras Irrigation and Canal Company of the other part, it was amongst other things provided that the Company should be authorized and empowered to charge such rates for the supply of water generally, except the supply for the purposes of Irrigation, as should not exceed the rates which should "be defined by an Act of Parliament of the Indian Legislature," and should not in any case charge any higher rates whatsoever: And whereas it is expedient to fix the rates which the said Company may charge for the said purpose; It is enacted as follows :—

Rate which Company may charge for water supplied for purposes other than Irrigation.

1. The Madras Irrigation and Canal Company may charge for the supply of water generally, except the supply for the purposes of Irrigation, a rate not exceeding the sum of one Rupee for four hundred cubic yards of water.

Commencement of Act.

2. This Act shall come into force on the first day of January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 22nd December 1865, and was referred to a Select Committee with instructions to make their report thereon in six weeks :—

THE INDIAN COMPANIES' ACT, 1865.

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185. Power of High Court to make rules.

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No. 24 OF 1865.

A Bill for the incorporation, regulation, and winding up of Trading Companies and other Associations.

Preamble.

Whereas it is expedient that the laws relating to the incorporation, regulation, and winding up of Trading Companies and other Associations should be consolidated and amended; It is enacted as follows:—

Preliminary.

Short Title.

1. This Act may be cited for all purposes as "The Indian Companies' Act, 1866."

Commencement of Act.

2. This Act shall come into operation on the *first* day of *March* 1866, and the time at which it so comes into operation is hereinafter referred to as the commencement of this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context:—

"British India." "British India" means the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India."

"Year." "Month." "Year" and "Month" respectively denote a year and month reckoned according to the British calendar.

"Insurance Company." An "Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses.

"District Court." "District Court" means the principal Civil Court of original jurisdiction in a District, but does not include the High Court in the exercise of its ordinary original Civil jurisdiction;

"Local Government." "High Court." And, in any part of British India in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such part; and High Court denotes the highest Civil Court of appeal therein.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than *ten* persons shall be formed, after the commencement of this Act, for the purpose of carrying on the business of banking, unless it is

registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor General of India in Council, or by Royal Charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed, after the commencement of this Act, for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

Division of Act.

5. This Act is divided into nine parts relating to the following subject-matters:—

The first Part—to the constitution and incorporation of Companies and Associations under this Act:

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act:

The third Part—to the management and administration of Companies and Associations under this Act:

The fourth Part—to the winding up of Companies and Associations under this Act:

The fifth Part—to the Registration Office:

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 *(for the incorporation and regulation of Joint Stock Companies and other Associations either with or without limited liability of the members thereof)* and Act No. VII of 1860 *(to enable Joint Stock Banking Companies to be formed on the principle of limited liability)*, or either of them.

The seventh Part—to Companies authorized to register under this Act:

The eighth Part—to the application of this Act to unregistered Companies:

The ninth Part—to repeal of Acts.

PART I.

Constitution and Incorporation of Companies and Associations under this Act.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of Association, and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability.

Mode of limiting liability of members.

7. The liability of the members of a Company formed under this Act may, according to the Memorandum of Association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the Memorandum of Association to contribute to the assets of the Company in the event of its being wound up.

Memorandum of Association of a Company limited by shares.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the Memorandum of Association shall contain the following things; (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the las word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that the liability of the members is limited:

(5.) The amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount, subject to the following regulations:—

(1.) That no subscriber shall take less than one share.

(2.) That each subscriber of the Memorandum of Association shall write opposite to his name the number of shares he takes.

Memorandum of Association of a Company limited by guarantee.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up, hereinafter referred to as a Company limited by guarantee, the Memorandum of Association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

Memorandum of Association of an unlimited Company.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members hereinafter referred to as an unlimited Company, the Memorandum of

Association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established.

Stamp, signature, and effect of Memorandum of Association.

11. The Memorandum of Association shall bear the same stamp as if it were a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in the Memorandum contained, on the part of himself, his heirs, executors and administrators, a covenant to observe all the conditions of such Memorandum, subject to the provisions of this Act.

Power of certain Companies to alter memorandum of Association.

12. Any Company limited by shares may so far modify the conditions contaned in its Memorandum of Association, if authorized to do so by its regulations as originally framed or as altered by special resolution in manner hereinafter mentioned, as to increase its capital by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid-up shares into stock, but, save as aforesaid, and save as hereinafter provided in the case of a change of name, no alteration shall be made by any Company in the conditions contained in its Memorandum of Association.

Power of Companies to change name.

13. Any Company under this Act, with the sanction of a Special Resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government testified in writing under the hand of one of the Secretaries to such Government, may change its name, and upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Articles of Association.

Regulations to be prescribed by Articles of Association.

14. The Memorandum of Association may, in the case of a Company limited by shares, and shall, in the case a of Company limited by guarantee or unlimited, be accompanied, when registered by Articles of Association signed by the subscribers to the Memorandum of Association, and prescribing such Regulations for the Company as the subscribers to the Memorandum of Association deem expedient. The Articles shall be expressed in separate paragraphs, numbered arithmetically. They may adopt all or any of the provisions contained in the table marked A in the first Schedule hereto. They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered; and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration. In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the Memorandum of Association the number of shares he takes.

Application of Table A.

15. In the case of a Company limited by shares, if the memorandum of Association is not accompanied by Articles of Association, or, in so far as the Articles do not exclude or modify the regulations contained in the Table marked A in the first Schedule hereto, the last mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company in the same manner and to the same extent as if they had been inserted in Articles of Association and the Articles had been duly registered.

Stamp, signature, and effect of Articles of Association.

16. The Articles of Association shall be printed, they shall bear the same stamp as if they were contained in a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in such Articles contained, a covenant on the part of himself, his heirs, executors and administrators, to conform to all the regulations contained in such Articles, subject to the provisions of this Act. All monies payable by any member to the Company, in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of Memorandum of Association and Articles of Association with fees as in Table B.

17. The Memorandum of Association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies hereinafter mentioned, who shall retain and register the same. There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of the several matters mentioned in the Table marked B in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor General of India in Council may from time to time direct, and by a Company not having capital

divided into shares, in respect of the several matters mentioned in the Table marked C in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor General of India in Council may from time to time direct. All fees paid to the said Registrar in pursuance of this Act shall be accounted for to Government.

Effect of registration.

18. Upon the registration of the Memorandum of Association and of the Articles of Association in cases where Articles of Association are required by this Act, or by the desire of the parties to be registered, the Registrar shall certify under his hand that the Company is incorporated, and in the case of a limited Company that the Company is limited; the subscribers of the Memorandum of Association, together with such other persons as may from time to time become members of the Company, shall thereupon be a body corporate by the name contained in the Memorandum of Association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company in the event of the same being wound up as is hereinafter mentioned. A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

Copies of Memorandum and Articles to be given to members.

19. A copy of the Memorandum of Association having annexed thereto the Articles of Association, if any, shall be forwarded to every member, at his request, on payment of the sum of one rupee, or such less sum as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the Memorandum of Association and Articles of Association, if any, to a member in pursuance of this Section, the Company so making default shall for each offence incur a penalty not exceeding twenty rupees.

Prohibition against identity of names in Companies.

20. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved, and testifies its consent in such manner as the Registrar requires. If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first mentioned Company may, with the sanction of the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

PART II.

Distribution of Capital and Liability of Members of Companies and Associations under this Act.

Distribution of Capital.

Nature of interest in Company.

21. The shares or other interest of any member in a Company under this Act shall be moveable property capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "Member."

22. The subscribers of the Memorandum of Association of any Company under this Act shall be deemed to have agreed to become members of the Company whose Memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the register of members hereinafter mentioned; and every other person who has agreed to become a member of a Company under this Act, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Transfer by personal representative.

23. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Register of members.

24. Every Company under this Act shall cause to be kept in one or more books a register of its members, and there shall be entered therein the following particulars:—

(1.) The names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member:

(2.) The date at which the name of any person was entered in the register as a member:

(3.) The date at which any person ceased to be a member.

Any Company acting in contravention of this Section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

25 Every Company under this Act, and having a capital divided into shares, shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the ordinary general meeting, or if there is more than one ordinary meeting in each year the first of such ordinary general meetings, is held, are members of the Company. Such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number shares held by each of them, and shall contain a summary specifying the following particulars:—

Annual list of members.

(1.) The amount of the capital of the Company and the number of shares into which it is divided:

(2.) The number of shares taken from the commencement of the Company up to the date of the summary:

(3.) The amount of calls made on each share:

(4.) The total amount of calls received:

(5.) The total amount of calls unpaid:

(6.) The total amount of shares forfeited:

(7.) The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day as is mentioned in this Section, and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

26. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding one-hundred rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Penalty on Company, &c., not keeping a proper register.

27. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall give notice to the Registrar of Joint Stock Companies of such consolidation, division or conversion, specifying the shares so consolidated, divided or converted.

Company to give notice of consolidation or of conversion of capital into stock.

28. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock, and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the register of members hereby required to be kept by the Company, and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list instead of the amount of shares and the particulars relating to shares hereinbefore required.

Effect of conversion of shares into stock.

29. No notice of any trust express, implied, or constructive, shall be entered on the register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Entry of trusts on register.

30. A certificate under the common seal of the Company specifying any share or shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Certificate of shares or stock.

31. The register of members commencing from the date of the registration of the Company shall be kept at the registered Office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall, during business hours, but subject to such reasonable restrictions as the Company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the Company may prescribe for each inspection. Every such member or other person may require a copy of such register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned on payment of eight annas for every hundred words required to be copied. If such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding forty rupees, and a further penalty not exceeding forty rupees for every day during which such refusal continues. Every Director and Manager of the Company who shall knowingly authorize or permit such refusal shall incur the like penalty. In addition to the above penalty, any Judge of a High Court may by order compel an immediate inspection of the register.

Inspection of register.

32. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the District in which the registered Office of the Company is situated, close the register of members, for any time or times not exceeding in the whole thirty days in each year.

Power to close register.

33. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and, where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar in the case of an increase of capital, within fifteen days from the date of the passing of the

Notice of increase of capital and of members to be given to Registrar.

resolution by which such increase has been authorized, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the Registrar shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues, and every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Remedy for improper entry or omission of entry in register.

34. If the name of any person is without sufficient cause entered in, or omitted from, the register of members of any Company under this Act, or if default is made, or unnecessary delay takes place in entering on the register, the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original Civil jurisdiction in the district or place in which the registered Office of the Company is situate, apply for an order of the Court that the register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained. The Court may in any proceeding under this Section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the register; provided that the Court may direct an issue to be tried, in which any question of law may be raised, and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Notice to Registrar of rectification of register.

35. Whenever any order has been made rectifying the register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Register to be evidence.

36. The register of members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Liability of Members.

Liability of present and past members of Company.

37. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company, and the costs, charges and expenses of the winding up and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves with the qualifications following; (that is to say)—

(1.) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding up:

(2.) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(3.) No past member shall be liable to contribute to the assets of the Company, unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(4.) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(5.) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the Memorandum of Association:

(6.) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract, whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(7.) No sum due to any member of a Company in his character of a member by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered Office of Company.

38. Every Company under this Act shall have a registered Office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an Office, it shall incur a penalty not exceeding one-hundred rupees for every during which business is so carried on.

Notice of situation of registered Office.

39. Notice of the situation of such registered Office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company

shall not be deemed to have complied with the provisions of this Act with respect to having a registered Office.

Publication of name by a limited Company.

40. Every limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every Office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language, and also, if the registered Office be situate in a district beyond the local limits of the ordinary original Civil jurisdiction of a High Court, in the language required to be used in judicial proceedings in such district, and shall have its name engraven in legible characters in such languages on its seal, and shall have its name mentioned in legible characters in such languages in all notices, advertisements, and other official publications of such Company, and in all Bills of Exchange, Hundís, Promissory Notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts, and letters of credit of the Company.

Penalties on non-publication of name.

41. If any limited Company under this Act does not paint or affix and keep painted or affixed its name, in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name, and for every day during which such name is not so kept, painted, or affixed. Every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty. If any Director, Manager, or Officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company, any Bill of Exchange, Hundí, Promissory Note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt, or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hundí, Promissory Note, cheque, or order for money or goods, for the amount thereof unless the same is duly paid by the Company.

Contracts how made.

42. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say)—

(1). Any contract which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company, and such contract may be in the same manner varied or discharged:

(2). Any contract which if made between private persons would be by law required to be in writing, and signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company, and such contract may in the same manner be varied or discharged:

(3). Any contract which if made between private persons would by law be valid, although made by parol only, and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be.

Register of mortgages.

43. Every limited Company under this Act shall keep a register of all mortgages and charges specifically affecting property of the Company, and shall enter in such register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge. If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every Director, Manager, or other Officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding one thousand rupees. The register of mortgages required by this Section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding one hundred rupees, and a further penalty not exceeding forty rupees for every day during which such refusal continues. In addition to the above penalty, any Judge of the High Court sitting in Chambers may by order compel an immediate inspection of the register.

Certain Companies to publish statement entered in Schedule.

44. Every limited Banking Company and every Insurance Company, and Deposit, Provident, or Benefit Society under this Act shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first Schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered Office of the Company and in every branch Office or place where the business of the Company is carried on. If default is made in compliance with the provisions of this Section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this Section shall be enti-

tled to a copy of the abovementioned statement on payment of a sum not exceeding eight annas.

List of Directors to be sent to Registrar.

45. Every Company under this Act and not having a capital divided into shares shall keep at its registered Office a register containing the names and addresses and the occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a copy of such register, and shall from time to time notify to the Registrar any change that takes place in such Directors or Managers.

Penalty on Company not keeping register of Directors.

46. If any Company under this Act and not having a capital divided into shares, makes default in keeping a register of its Directors or Managers, or in sending a copy of such register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such Directors or Managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Promissory Notes, Bills of Exchange, and Hundís.

47. A Promissory Note, Bill of Exchange, or Hundí shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf, or on account of the Company, by any person acting under the authority of the Company.

Prohibition against carrying on business with less than seven members.

48. If any Company under this Act carries on business when the number of its members is less than seven for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Provisions for Protection of Members.

General meeting of Company.

49. A general meeting of every Company under this Act shall be held once at the least in every year. If default is made in compliance with the provisions of this Section, every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall be liable to a penalty of one thousand rupees.

Power to alter regulations by special resolution.

50. Subject to the provisions of this Act, and to the conditions contained in the Memorandum of Association, any Company formed under this Act may, in general meeting, from time to time by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the Articles of Association, or in the Table marked A in the first Schedule, where such Table is applicable to the Company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company. Any regulations so made by special resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the Articles of Association, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

Definition of special resolution.

51. A resolution passed by a Company under this Act shall be deemed to be special, whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote as may be present, in person or by proxy (in cases where by the regulations of the Company proxies are allowed), at any general meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote as may be present, in person or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month from the date of the meeting at which such resolution was first passed. At any meeting mentioned in this Section, unless a poll is demanded by at least five members, a declaration of the Chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notice of any meeting shall, for the purposes of this Section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this Section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Provision where no regulations as to meetings.

52. In default of any regulations as to voting, every member shall have one vote, and in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the Table marked A in the first Schedule hereto. In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and in default of any regulations as to who is to be Chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registry of special resolutions.

53. A copy of any special resolution that is passed by any Company under this Act shall be printed and forwarded to the

Registrar of Joint Stock Companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the Company shall incur a penalty not exceeding forty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Copies of special resolutions.

54. Where Articles of Association have been registered, a copy of every special resolution for the time being in force shall be annexed to or embodied in every copy of the Articles of Association that may be issued after the passing of such resolution: where no Articles of Association have been registered, a copy of any special resolution shall be forwarded in print to any member requesting the same on payment of one rupee, or such less sum as the Company may direct. If any Company makes default in complying with the provisions of this Section, it shall incur a penalty not exceeding forty rupees for each copy in respect of which such default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Execution of deeds abroad.

55. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its Attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such Attorney, on behalf of the Company, and under his seal, shall be binding on the Company, and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by Inspectors.

56. The Local Government may appoint one or more competent Inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following; (that is to say)—

(1.) In the case of a Banking Company that has a capital divided into shares, upon the application of members holding not less than one-third part of the whole shares of the Company for the time being issued:

(2.) In the case of any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(3.) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the register of the Company as members.

Application for inspection to be supported by evidence.

57 The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same. The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any Inspector or Inspectors.

Inspection of books.

58. It shall be the duty of all Officers and Agents of the Company to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath or affirmation the Officers and Agents of the Company in relation to its business, and may administer such oath or affirmation accordingly. If any Officer or Agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each offence.

Result of examination how dealt with.

59. Upon the conclusion of the examination, the Inspectors shall report their opinions to the Local Government in Council. Such report shall be written or printed as the Local Government directs. A copy shall be forwarded by the Local Government to the registered Office of the Company, and a further copy shall, at the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them. All expenses of, and incidental to, any such examination as aforesaid shall be defrayed by the members upon whose application the Inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Power of Company to appoint Inspectors.

60. Any Company under this Act may by a special resolution appoint Inspectors for the purpose of examining into the affairs of the Company. The Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the Local Government, with this exception that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in general meeting directs. The Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document hereby required to be produced to such Inspectors, or to answer any question as they would have incurred if such Inspector had been appointed by the Local Government.

Report of Inspectors to be evidence.

61. A copy of the report of any Inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding, as evidence of the opinion of the Inspectors in relation to any matter contained in such report.

Notices.

Service of notices on Company.

62. Any summons, notice, order, or other document required to be served upon the Company, may be served by leaving

the same, or sending it through the post by a registered letter addressed to the Company, at their registered Office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the post by a registered letter, or by delivering it to him, or by leaving it for him at his Office.

Rules as to notices by letter.

63. Any document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the Post Office.

Authentication of notices of Company.

64. Any summons, notice, order, or proceeding requiring authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Adjudication of offences and recovery of penalties under this Act.

65. All offences under this Act made punishable by any penalty may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act No. XIII of 1856, as amended by Act No. XLVIII of 1860, relating to the adjudication of fines and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay, and Settlement of Prince of Wales' Island, Singapore, and Malacca.

Evidence of proceedings at meetings.

66. Every Company under this Act shall cause minutes of all resolutions and proceedings of general meetings of the Company and of the Directors or Managers of the Company in cases where there are Directors or Managers to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the Chairman of the meeting at which such resolutions were passed or proceedings had, or by the Chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings; and until the contrary is proved, every general meeting of the Company or meeting of Directors or Managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had, to have been duly passed and had, and all appointments of Directors, Managers, or Liquidators shall be deemed to be valid, and all acts done by such Directors, Managers, or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Provision as to costs in actions brought by certain limited Companies.

67. Where a limited Company is plaintiff in any suit, any Judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Plaint in suits against members.

68. In any suit brought by the Company against any member to recover any call or other monies due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company, and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Alteration of Forms.

Governor General in Council may alter forms in Schedule.

69. The forms set forth in the second Schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer. The Governor General of India in Council may from time to time make such alterations in the Tables and forms contained in the first Schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said Schedule mentioned, and in the forms in the second Schedule, or make such additions to the last mentioned forms as he deems requisite. Any such Table or form, when altered, shall be published in the *Gazette of India*, and upon such publication being made, such Table or form shall have the same force as if it were included in the Schedule to this Act, but no alteration made by the Governor General of India in Council in the Table marked A contained in the first Schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such Table.

Arbitrations.

Power for Companies to refer matters to arbitration.

70. Any Company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing body of such Companies.

Power to alter or revoke agreements for reference.

71. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter, or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions, or stipulations thereof.

Agreements to be carried into effect.

72. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the

Companies, and may and shall be carried into full effect.

Reference to Arbitrator.

73. Where the Companies agree, the reference shall be made to a single Arbitrator.

Reference to two or more Arbitrators.

74. Except where the Companies agree that the reference shall be made to a single Arbitrator, the reference shall be made as follows; to wit—

Where there are two Companies, the reference shall be made to two Arbitrators:

Where there are three or more Companies, the reference shall be made to so many Arbitrators as there are Companies.

Appointment of Arbitrators by Companies.

75. Where there are to be two or more Arbitrators, every Company shall, by writing under their common seal, appoint one of the Arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of Arbitrators by Local Government.

76. Where there are to be two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator; and the Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Companies to supply vacancies.

77. When the reference is made to two or more Arbitrators, if before the matters referred to them are determined, any Arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an Arbitrator in his place.

Appointment of Arbitrators by Local Government to supply vacancies.

78. Where the Company by which an Arbitrator ought to be appointed in the place of the Arbitrator so deceased, incapable, unfit, or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an Arbitrator; and the Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrator not revocable.

79. When any appointment of an Arbitrator is made, the Company making the appointment shall have no power to revoke the appointment, without the previous consent in writing of the other Company, or every other Company in writing under their common seal.

Appointment of Umpire by Arbitrators.

80. Where two or more Arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their Umpire.

Appointment of Umpire by Local Government.

81. If the Arbitrators do not appoint an Umpire within seven days after the reference is made to the Arbitrators, then, on the application of the Companies, or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Arbitrators to supply vacancy.

82. Where two or more Arbitrators are appointed, if before the matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Umpire, the Arbitrators shall by writing under their hands appoint an impartial and qualified person to be their Umpire in his place.

Appointment of Umpire by Local Government to supply vacancy.

83. If the Arbitrators fail to appoint an Umpire within seven days after notice in writing to them of the decease, incapacity, unfitness, or failure to act of their Umpire, then, on the application of the Companies, or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have powers of predecessors.

84. Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to Umpire.

85. Where there are two or more Arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c., to call for books, &c., and administer oath.

86. The Arbitrator, and the Arbitrators, and the Umpire, respectively, may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath or affirmation, and may administer the requisite oath or affirmation.

Procedure in the arbitration.

87. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respect-

ively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

88. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several awards may be made.

89. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred, and every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the Arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

90. The award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in writing under his or their respective hand or hands, and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement, within thirty days next after the matters in difference are referred to (as the case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Power for Umpire to extend period for making his award.

91. Provided always that (except where and as the Companies otherwise agree) the Umpire, from time to time by writing under his hand, may extend the period within which his award is to be made; and if it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

92. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

93. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted, or suffered shall be done, omitted, or suffered accordingly.

Agreements, arbitrations, and awards to have effect.

94. Full effect shall be given by the Courts according to their respective jurisdiction, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations, and awards in accordance with this Act; and the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame for the purpose.

Costs of arbitration and award.

95. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrator, and the Arbitrators and the Umpire respectively.

Payment of costs.

96. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

97. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

Winding up of Companies and Associations under this Act.

Preliminary.

Meaning of contributory.

98. The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act, in the event of the same being wound up: it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

99. The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made, as hereinafter mentioned, for enforcing such liability; and it shall be lawful in the case of the insolvency of any contributory to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

Contributories in case of death.

100. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs, and devisees shall be liable in a due course of administration to con-

tribute to the assets of the Company in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

101. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding up by Court.

Circumstances under which Company may be wound up by Court.

102. A Company under this Act may be wound up by the Court as hereinafter defined, under the following circumstances; (that is to say)—

(1.) Whenever the Company has passed a special resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year:

(3.) Whenever the members are reduced in number to less than seven:

(4.) Whenever the Company is unable to pay its debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

103. A Company under this Act shall be deemed to be unable to pay its debts—

(1) Whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at their registered Office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of *three* weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor:

(2.) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor, in any proceeding instituted by such creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court"

104. The expression "the Court," as used in this part of this Act, shall mean the principal Court having original Civil jurisdiction in the place in which the registered Office of the Company is situate; unless in the regulations for the management of the Company, it shall be stipulated that the Company if wound up shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be) or by the Chief Court of the Punjab, in which case the word 'Court' shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original Civil jurisdiction.

Application for winding up to be made by petition.

105. Any application to the Court for the winding up of a Company under this Act may be made by the Company, or by any one or more creditor or creditors, contributory or contributories of the Company, or by all or any of the above parties together or separately; and every order which may be made on any such application shall operate in favour of all the creditors and all the contributories of the Company in the same manner as if it had been made upon the joint application of a creditor and a contributory.

Commencement of winding up by Court.

106. A winding up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Court may grant injunction.

107. The Court may, at any time after the presentation of a petition for winding up a Company under this Act, and before making an order for winding up the Company, upon the application of the Company, or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit. The Court may also at any time, after the presentation of such petition, and before the first appointment of liquidators, appoint provisionally an official liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing application.

108. Upon hearing the application, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order, or any other order that it deems just.

Actions and suits to be stayed after order for winding up.

109. When an order has been made for winding up a Company under this Act, no suit or other proceeding shall be proceeded with, or commenced against, the Company except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

110. When an order has been made for winding up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies, who shall make a minute thereof in his books relating to the Company.

Power of Court to stay proceedings

111. The Court may at any time after an order has been made for winding up a Company, upon the application by motion

of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee.

112. When an order has been made for winding up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

Court may have regard to wishes of creditors or contributories.

113. The Court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or contributories, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Official Liquidators.

Appointment of official liquidator.

114. For the purpose of conducting the proceedings in winding up a Company, and assisting the Court therein, there may be appointed a person or persons to be called an official liquidator or official liquidators; and the Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of official liquidator or official liquidators. In all cases if more persons than one are appointed to the office of official liquidator, the Court shall declare whether any act hereby required or authorized to be done by the official liquidator is to be done by all or any one or more of such persons. The Court may also determine whether any and what security is to be given by any official liquidator on his appointment. If no official liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

Resignations, removals, filling up vacancies, and compensation.

115. Any official liquidator may resign or be removed by the Court on due cause shown: And any vacancy in the office of an official liquidator appointed by the Court shall be filled by the Court. There shall be paid to the official liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Style and duties of official liquidator.

116. The official liquidator or liquidators shall be described by the style of the official liquidator or official liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual name or names. He or they shall take into his or their custody, or under his or their control, all the property, effects, and things in action to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding up of the Company as may be imposed by the Court.

Powers of official liquidator.

117. The official liquidator shall have power, with the sanction of the Court to do the following things:—

(1.) To bring or defend any suit, or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company:

(2.) To carry on the business of the Company, so far as may be necessary, for the beneficial winding up of the same:

(3.) To sell the immoveable and moveable property, effects and things in action of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels:

(4.) To do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the Company's seal:

(5.) To prove, rank, claim, and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency as a separate debt due from such insolvent, and rateably with the other separate creditors:

(6.) To draw, accept, make, and endorse any Bill of Exchange, Hundí or Promissory Note in the name and on behalf of the Company, also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money; and the drawing, accepting, making, or endorsing of every such Bill of Exchange, Hundí or Promissory Note as aforesaid on behalf of the Company shall have the same effect with respect to the liability of such Company as if such Bill, Hundí or Note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof:

(7.) To take out, if necessary, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and in all cases where he takes out letters of administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the official liquidator himself:

(8.) To do and execute all such other things as may be necessary for winding up the affairs of the Company and distributing its assets.

118. The Court may provide by any order that the official liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an official liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Discretion of official liquidator.

119. The official liquidator may, with the sanction of the Court, appoint an Attorney or Vakeel to assist him in the performance of his duties.

Appointment of Attorney to official liquidator.

Ordinary Powers of Court.

120. As soon as may be after making an order for winding up the Company, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where such rectification is required in pursuance of this Act, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities.

Collection and application of assets.

121. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or being liable to the debts of others.

Provision as to representative contributories.

122. The Court may, at any time after making an order for winding up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker, or agent, or Officer of the Company to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the Court directs, to or into the hands of the official liquidator, any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to require delivery of property.

123. The Court may, at any time after making an order for winding up the Company, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this part of this Act; and it may, in making such order, when the Company is not limited, allow to such contributory by way of set-off any monies due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profit. Provided that when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

Power of Court to order payment of debts by contributory.

124. The Court may, at any time after making an order for winding up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Courts to make calls.

125. The Court may order any contributory, purchaser or other person from whom money is due to the Company, to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the official liquidator instead of to the official liquidator, and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Power of Court to order payment into Bank.

126. All monies, bills, notes, and other securities, paid and delivered into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out of, the same as the Court may direct.

Regulation of account with Court.

127. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Provision in case of representative contributory not paying monies ordered.

128. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons, and in all proceedings whatsoever.

Order conclusive evidence.

129. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court may exclude creditors not proving within certain time.

130. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to adjust rights of contributories.

131. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding up any Company in such order of priority as the Court thinks just.

Court to order costs.

132. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Dissolution of Company.

133. Any order so made shall be reported by the official liquidator to the Registrar, who shall make a Minute accordingly in his books of the dissolution of such Company.

Registrar to make Minute of dissolution of Company.

134. If the official liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Penalty on not reporting dissolution of Company.

135. Any application for winding up a Company by the Court under this Act shall constitute a suit pending within the terms of the sixth Section of the Code of Civil Procedure.

Application for winding up to be *lis pendens*.

Extraordinary Powers of Court.

136. The Court may, after it has made an order for winding up the Company, summon before it any Officer of the Company or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company. The Court may require any such Officer or person to produce any documents in his custody or power relating to the Company. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended, and brought before the Court for examination. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding up to determine all questions relating to such lien.

Power of Court to summon persons before it suspected of having property of Company.

137. The Court may examine upon oath or affirmation, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid concerning the affairs, dealings, estate, or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Examination of parties by Court.

138. The Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Power to arrest contributory about to abscond or to remove or conceal any of his property.

139. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Powers of Court cumulative.

Enforcement of and Appeal from Orders.

140. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Power to enforce orders.

141. Any order made by a Court for or in the course of the winding up of a Company under this Act shall be enforced in any part of British India other than that in which such Court is situate in the Court that would have had jurisdiction in respect of such Company if the registered Office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Order made in any Court to be enforced by other Courts.

142. Where any order or decree made by one Court is required to be enforced by another Court, as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made, and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree in the same manner as if it were the order or decree of the Court enforcing the same.

Mode of dealing with orders to be enforced by other Courts.

143. Re-hearings of and appeals from any order or decision made or given in the matter of the winding up of a Company by the Court may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of Appeal.

Appeals from orders.

144. In all proceedings under this part of this Act, every Court, Judge and person judicially acting, and all other Officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any Officer of any other Court and also of the official seal of any other Court when such seal is appended to any document made, issued, or signed under the provisions of this part of the Act, or any official copy thereof.

Judicial notice to be taken of signature of Officers.

145. The Judges of the District Courts who sit at places more than twenty English miles from the usual place of sitting of the High Court shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court, and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding up the Company. Every such Commissioner shall, in addition to any power of summoning and examining witnesses, and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses and requiring the production or delivery of documents and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Special Commissioners for receiving evidence.

146. If any affidavit, affirmation, or declaration required to be sworn or made, under the provisions or for the purposes of this part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any Colony, Island, Plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge, or person lawfully authorized to take and receive affidavits, affirmations, or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners, and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul attached, appended, or subscribed to any such affidavit, affirmation, or declaration, or to any other document to be used for the purposes of this part of this Act.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

Voluntary Winding up of Company.

147. A Company under this Act may be wound up voluntarily—

Circumstances under which Company may be wound up voluntarily.

(1.) Whenever the period, if any, fixed for the duration of the Company by the Articles of Association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in general meeting has passed a resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a special resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an extraordinary resolution to the effect that it has been proved to their satisfaction that the Company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same:

For the purpose of this Act any resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a special resolution as hereinbefore defined.

148. A voluntary winding up shall be deemed to commence at the time of the passing of the resolution authorizing such winding up.

Commencement of voluntary winding up.

149. Whenever a Company is wound up voluntarily, the Company shall, from the date of the commencement of such winding up, cease to carry on its business except in so far as may be required for the beneficial winding up thereof; and all transfers of shares except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the Company taking place after the commencement of such winding up shall be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the Company are wound up.

Effect of voluntary winding up on status of Company.

150. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by advertisement in the local Official Gazette and also in some newspaper (if any) circulating in the place where the registered Office of the Company is situate.

Notice of Resolution to wind up voluntarily.

151. The following consequences shall ensue upon the voluntary winding up of a Company :—

Consequences of voluntary winding up.

(1.) The property of the Company shall be applied in satisfaction of its liabilities *pari passu* and subject thereto shall, unless it be otherwise provided by the regulations of the Company, be distributed amongst the members according to their rights and interests in the Company :

(2.) Liquidators shall be appointed for the purpose of winding up the affairs of the Company and distributing the property :

(3.) The Company in general meeting shall appoint such persons or person as it thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or him :

(4.) If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him :

(5.) Upon the appointment of liquidators, all the powers of the Directors shall cease, except in so far as the Company in general meeting or the liquidators may sanction the continuance of such powers :

(6.) When several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two :

(7.) The liquidators may, without the sanction of the Court, exercise all powers by this Act given to the official liquidators :

(8.) The liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories :

(9.) The liquidators may at any time after the passing of the resolution for winding up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories to the extent of their liability to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges, and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same :

(10.) The liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

152 Where a Company limited by guarantee, and having a capital divided into shares, is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the liquidators.

Effect of winding up on share-capital of Company limited by guarantee.

153. A Company about to be wound up voluntarily, or in the course of being wound up voluntarily may, by an extraordinary resolution, delegate to its creditors, or to any Committee of its creditors, the power of appointing liquidators or any of them, and supplying any vacancies in the appointment of liquidators, or may by a like resolution enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised; and any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Power of Company to delegate authority to appoint liquidators.

154. Any arrangement entered into between a Company about to be wound up voluntarily, or in the course of being wound up voluntarily, and its creditors shall be binding on the Company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Arrangement when binding on creditors.

155 Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon as it thinks just amend, vary, or confirm the same.

Power of creditor or contributory to appeal.

156. Where a Company is being wound up voluntarily, the liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding up, or to exercise as respects the enforcing of calls or in respect of any other matter all or any of the powers which the Court might exercise if the Company were being wound up by the Court, and the Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power for liquidators or contributories in voluntary winding up to apply to Court.

157. Where a Company is being wound up voluntarily, the liquidators may, from time to time during the continuance of such winding up, summon general meetings of the Company for the purpose of obtaining the sanction of the Company by special resolution or extraordinary resolution or for any other purposes they think fit. In the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the Company at the end of the first year, and of each succeeding year from the commencement of the winding up, or as soon thereafter as may be con-

Power of liquidators to call general meeting.

venient, and shall lay before such meeting an account showing their acts and dealings and the manner in which the winding up has been conducted during the preceding year.

Power to fill up vacancy in liquidators.

158. If any vacancy occurs in the office of liquidators appointed by the Company, by death, resignation, or otherwise, the Company in general meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing liquidator, if any, or by any contributory of the Company, be determined by the Court.

Power of Court to appoint liquidators.

159. If from any cause whatever, there is no liquidator acting in the case of a voluntary winding up, the Court may, on the application of a contributory, appoint a liquidator or liquidators. The Court may also, on due cause shown, remove any liquidator and appoint another liquidator to act in the matter of a voluntary winding up.

Liquidators on conclusion of winding up to make up an account.

160. As soon as the affairs of the Company are fully wound up, the liquidators shall make up an account showing the manner in which such winding up has been conducted, and the property of the Company disposed of; and thereupon they shall call a general meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators. The meeting shall be called by advertisement, specifying the time, place, and object of such meeting, and such advertisement shall be published one month at least previously to the meeting in the manner specified in Section 150.

Liquidators to report meeting to Registrar.

161. The liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved. If the liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Costs of voluntary liquidation.

162. All costs, charges and expenses properly incurred in the voluntary winding up of a Company, including the remuneration of the liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Saving of rights of creditors.

163. The voluntary winding up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding up.

Power of Court to adopt proceedings of voluntary winding up.

164. Where a Company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding up.

Winding up subject to the Supervision of the Court.

Power of Court, on application, to direct winding up, subject to supervision.

165 When a resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding up should continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories, or others, to apply to the Court, and generally upon such terms and subject to such conditions as the Court thinks just.

Petition for winding up subject to supervision.

166. A petition praying wholly or in part that a voluntary winding up should continue, but subject to the supervision of the Court, and which winding up is hereinafter referred to as a winding up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up the Company by the Court.

Court may have regard to wishes of creditors.

167. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the supervision of the Court, in the appointment of liquidator or liquidators, and in all other matters relating to the winding up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard shall be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Power to Court to appoint additional liquidators in winding up subject to supervision.

168. Where any order is made by the Court for a winding up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional liquidator or liquidators; and any liquidators so appointed by the Court shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if they had been appointed by the Company. The Court may from time to time remove any liquidators so appointed by the Court, and fill up any va-

cancy occasioned by such removal, or by death or resignation.

Effect of order of Court for winding up subject to supervision.

169. Where an order is made for a winding up subject to the supervision of the Court, the liquidators appointed to conduct such winding up may, subject to any restrictions imposed by the Court, exercise all their powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily; but, save as aforesaid, any order made by the Court for a winding up subject to the supervision of the Court, shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the Company altogether by the Court; and in the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the official liquidators, the expression official liquidators shall be deemed to mean the liquidators conducting the winding up subject to the supervision of the Court.

Appointment in certain cases of voluntary liquidators to office of official liquidators.

170. Where an order has been made for the winding up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order, or in any subsequent order, appoint the voluntary liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other persons to be official liquidators.

Supplemental Provisions.

Dispositions after the commencement of the winding up avoided.

171. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares, or alteration in the status of the members of the Company made between the commencement of the winding up and the order for winding up, shall, unless the Court otherwise orders, be void.

The books of the Company to be evidence.

172. Where any Company is being wound up, all books, accounts and documents of the Company and of the liquidators shall, as between the contributories of the Company, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

As to disposal of books, accounts, and documents of the Company.

173 Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts, and documents of the Company and of the liquidators may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and where the Company has been wound up voluntarily, in such way as the Company by an extraordinary resolution directs. But after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company, or the liquidators, or any one to whom the custody of such books, accounts, and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books

174. Where an order has been made for winding up a Company by the Court, or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories, in conformity with the order of the Court, but not further or otherwise.

General scheme of liquidation may be sanctioned.

175. The liquidators may, with the sanction of the Court, where the Company is being wound up by the Court, or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

176. The liquidators may, with the sanction of the Court, where the Company is being wound up by the Court, or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist between the Company and any contributory, or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding up of the Company, generally upon such terms as may be agreed upon, with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Power for liquidators to accept shares, &c., as a consideration for sale of property of Company.

177. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the liquidators of the first mentioned Company may, with the sanction of a special resolution of the Company by whom they were appointed, conferring either a general authority on the liquidators, or an author-

ity in respect of any particular arrangement, receive in compensation or part compensation for such transfer or sale, shares, policies, or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, policies, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing Company; and any sale made or arrangement entered into by the liquidators in pursuance of this Section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up who has not voted in favour of the special resolution passed by the Company of which he is a member at either of the meetings held for passing the same expresses his dissent from any such special resolution in writing addressed to the liquidators or one of them, and left at the registered Office of the Company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer; that is to say, either to abstain from carrying such resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned, such purchase money to be paid before the Company is dissolved, and to be raised by the liquidators in such manner as may be determined by special resolution. No special resolution shall be deemed invalid for the purposes of this Section by reason that it is passed antecedently to or concurrently with any resolution for winding up the Company, or for appointing liquidators; but if an order be made within a year for winding up the Company by or subject to the supervision of the Court, such resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

178. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration, under the provisions contained in the Code of Civil Procedure regarding arbitration between the parties to a suit, so far as such provisions are applicable.

Certain attachments, distresses and executions to be void.

179. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment or execution put in force against the estate or effects of the Company after the commencement of the winding up shall be void.

Fraudulent preference.

180. Any such conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, as would, if made or done by or against any individual trader, be deemed in the event of his insolvency to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly; and, for the purposes of this Section, the making of an application for winding up a Company shall, in the case of a Company being wound up by the Court, or subject to the supervision of the Court, and a resolution for winding up the Company shall, in the case of a voluntary winding up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act of all its estate and effects to trustees for the benefit of all its creditors shall be void.

Power of Court to assess damages against delinquent Directors and Officers.

181. Where in the course of the winding up of any Company under this Act, it appears that any past or present Director, Manager, official or other liquidator, or any Officer of such Company, has misapplied or retained in his own hands or become liable or accountable for any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any liquidator, or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other Officer, and compel him to repay any monies so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust, as the Court thinks just.

Penalty on falsification of books.

182. If any Director, Officer, or contributory of any Company wound up under this Act, secretes, destroys, mutilates, alters, or falsifies any books, papers, writings, or securities, or makes or is privy to the making of any false or fraudulent entry in any Register, book of account, or other document belonging to the Company with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Prosecution of delinquent Directors in the case of winding up by Court.

183. Where any order is made for winding up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding up that any past or present Director, Manager, Officer, or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding up, or of its own motion, direct the official liquidators, or the liquidators (as the case may be), to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the Company.

Penalty of perjury.

184. If any person, upon any examination upon oath or affirmation authorized under this Act, or in any affidavit, deposi-

tion, or solemn affirmation in or about the winding up of any Company under this Act, or otherwise in or about any matter arising under this Act, *intentionally* gives false evidence, he shall, upon conviction, be liable to the punishment provided by Section 193 of the Indian Penal Code for the offence of intentionally giving false evidence in a stage of a judicial proceeding.

Power of High Court to make Rules.

Power of High Court to make rules.

185. The High Court may, as often as circumstances require, make such rules concerning the mode of proceeding to be had for winding up a Company in such Court and in the Courts subordinate thereto, as may from time to time seem necessary and as may be consistent with the other provisions of this Act and with the Code of Civil Procedure; but until such rules are made, the general practice of the Court including the practice hitherto in use in winding up Companies shall, so far as the same is applicable and not inconsistent with this Act, apply to all proceedings for winding up a Company.

PART V.

Registration Office.

Constitution of Registration Office.

186. The Registration of Companies under this Act shall be conducted as follows; (that is to say)—

(1.) The Local Government may, after the sanction of the Governor General of India in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks, and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(2.) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks, and servants as aforesaid:

(3.) The Local Government may from time to time determine the places at which Offices for the registration of Companies are to be established, so that there be at all times maintained in each of the three Presidency Towns of Calcutta, Madras and Bombay at least one such Office, and that no Company shall be registered except at an Office within that part of British India in which by the Memorandum of Association the registered Office of the Company is declared to be established:

(4.) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(5.) Every person may inspect the documents kept by the Registrar of Joint Stock Companies; and there shall be paid for such inspection such fees as may be appointed by the Local Government not exceeding one rupee for each inspection; and any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar; and there shall be paid for such certificate of incorporation, certified copy, or extract, such fees as the Local Government may appoint, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(6.) The existing Registrar, Assistant Registrars, Clerks, and other officers and servants in the Office for the Registration of Joint Stock Companies shall, during the pleasure of the Local Government, hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or servant that may hereafter be employed in the registration of Joint Stock Companies, such salary as the Local Government may, with the sanction of the Governor General of India in Council, direct:

(8.) Whenever any act is herein directed to be done to or by the Registrar of Joint Stock Companies, such act shall, until the Local Government otherwise directs, be done to or by the existing Registrar of Joint Stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize; but in the event of the Local Government altering the constitution of the existing Registry Office, such act shall be done to or by such Officer or Officers and at such place or places with reference to the local situation of the registered Offices of the Companies to be registered as the Local Government may appoint.

PART VI.

Application of Act to Companies registered under the Joint Stock Companies' Acts.

Application of Act to Companies formed under Acts XIX of 1857 and VII of 1860.

187. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first Schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, in the same manner in the case of a limited Company as if such Company had been formed and registered under this Act as a Company limited by shares; and in the case of a Company other than a limited Company, as if such Company had been formed and registered as an unlimited Company under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by special resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the Table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding such regulations are contained in the Memorandum of Association.

188. This Act shall apply to Companies registered but not formed under the said Acts or either of them in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act, with this qualification that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Application of Act to Companies registered under Joint Stock Companies' Acts.

189. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

Mode of transferring shares.

PART VII.

Companies authorized to register under this Act.

190. With the exceptions made in the next following Section, and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament, or Act of the Governor General of India in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law and consisting of seven or more members, may at any time hereafter register itself under this Act as an unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Companies capable of being registered.

191. The following regulations shall be observed with respect to the registration of Companies under this part of this Act: (that is to say)—

Regulations as to registration of existing Companies.

(1.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, and not being a Joint Stock Company as hereinafter defined, shall register under this Act in pursuance of this part thereof:

(2.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, shall register under this Act in pursuance of this part thereof as an unlimited Company, or as a Company limited by guarantee:

(3.) No Company that is not a Joint Stock Company as hereinafter defined, shall in pursuance of this part of this Act register under this Act as a Company limited by shares:

(4.) No Company shall register under this Act in pursuance of this part thereof unless an assent to its so registering is given by a majority of such of its members as may be present, personally, or by proxy in cases where proxies are allowed by the regulations of the Company, at some general meeting summoned for the purpose:

(5.) Where a Company not having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, is about to register as a limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned general meeting:

(6.) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges, and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this Section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

192. For the purposes of this part of this Act, so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons; and such Company when registered with limited liability under this Act shall be deemed to be a Company limited by shares.

Definition of Joint Stock Company.

193. Previously to the registration, in pursuance of this part of this Act, of any Joint Stock Company, there shall be delivered to the Registrar the following documents: (that is to say)—

Requisitions for registration by Companies.

(1.) A list showing the names, addresses, and occupations of all persons who on a day named in such list, and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(2.) A copy of any Act of Parliament or Act of the Governor General of India in Council, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery, or other instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a limited Company, the above list and copy shall be accompanied by a

statement specifying the following particulars; that is to say—

The nominal capital of the Company and the number of shares into which it is divided:

The number of shares taken and the amount paid on each share:

The name of the Company, with the addition of the word "Limited" as the last word thereof:

With the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of the guarantee.

Requisitions for registration by existing Company not being a Joint Stock Company.

194. Previously to the registration, in pursuance of this part of this Act, of any Company not being a Joint Stock Company, there shall be delivered to the Registrar a list showing the names, addresses, and occupations of the Directors or other Managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor General of India in Council, Letters Patent, Deed of Settlement, Contract of Copartnery, or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of guarantee.

Power for existing Company to register amount of stock instead of shares.

195. Where a Joint Stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement not more than six clear days before the day of registration.

Authentication of statements of existing Companies

196. The lists of Members and Directors and any other particulars relating to the Company hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same, or any two of them, or of any two other principal Officers of the Company made before a Justice of the Peace or a District Judge.

Registrar may require evidence as to nature of Company.

197. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or is not a Joint Stock Company as hereinbefore defined.

On registration of Banking Company with limited liability, notice to be given to customers.

198. Every Banking Company existing at the date of the passing of this Act which registers itself as a limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm who have a banking account with the Company. Such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the post addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company. In case the Company omits to give any such notice as is hereinbefore required to be given, then as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain Companies from payment of fees.

199. No fees shall be charged in respect of the registration in pursuance of this part of this Act of any Company in cases where such Company is not registered as a limited Company, or where, previously to its being registered as a limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor General of India in Council, or by Letters Patent.

Power to Company to change name.

200. Any Company authorized by this part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "Limited."

Certificate of registration of existing Companies.

201. Upon compliance with the requisitions in this part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the Tables marked B and C in the first Schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal with power to hold lands.

Certificate to be evidence of compliance with Act.

202. A certificate of incorporation given at any time to any Company registered in pursuance of this part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a limited or unlimited Company, as the case may be, and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Transfer of property to Company.

203. All such property, moveable and immoveable, including all interests and rights in, to, and out of property, moveable and immoveable, and including obligations and things in action, as may belong to or be vested in the Company at the date of its registration under

this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

204. The registration in pursuance of this part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with, or on behalf of such Company previously to such registration.

Continuation of existing suits.

205. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this part of this Act have been commenced by or against such Company, or the public officer or any member thereof, may be continued in the same manner as if such registration had not taken place Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding up the Company.

Effect of registration under Act.

206. When a Company is registered under this Act in pursuance of this part thereof, all provisions contained in any Act of Parliament, Act of the Governor General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered Memorandum of Association and Articles of Association; and all the provisions of this Act shall apply to such Company and the members, contributories, and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following; (that is to say)—

(1.) That Table A in the first Schedule to this Act shall not, unless adopted by special resolution, apply to any Company registered under this Act in pursuance of this part thereof:

(2.) That the provisions of this Act relating to the numbering of shares shall not apply to any Joint Stock Company whose shares are not numbered:

(3.) That no Company shall have power to alter any provision contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor General of India in Council relating to the Company:

(4.) That no Company shall have power, without the sanction of the Governor General of India in Council, to alter any provision contained in any Letters Patent relating to the Company:

(5.) That in the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company, so far as relates to such debts or liabilities as aforesaid; and every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding up, all sums due from him in respect of any such liability as aforesaid, and in the event of the death or insolvency of any such contributory as last aforesaid, or marriage of any such contributory being a female, the provisions hereinbefore contained with respect to the representatives, heirs, and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, and to the husbands of married contributories, shall apply:

(6.) That nothing herein contained shall authorize any Company to alter any such provisions contained in any Deed of Settlement, contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company, as would if such Company had originally been formed under this Act, have been contained in the Memorandum of Association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this part thereof by virtue of any Act of Parliament Act of the Governor General of India in Council Deed of Settlement, Contract of Copartnery Letters Patent, or other instrument constituting or regulating the Company.

Powers of Court to restrain further proceedings.

207. The High Court may, at any time after the presentation of a petition for winding up a Company registered in pursuance of this part of this Act and before making an order for winding up the Company, upon the application by motion of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding up Company.

208. Where an order has been made for winding up a Company registered in pursuance of the part of the Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the High Court and subject to such terms as the Court may impose.

PART VIII.

Application of Act to unregistered Companies.

Winding up of unregistered Companies.

209. Subject as hereinafter mentioned, any partnership, association, or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor General of India in Council, consisting of more than seven members, and not registered under this Act, and hereinafter included under the term unregistered Company, may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to such Company, with the following exceptions and additions :—

(1.) An unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding up, be deemed to be registered in that part of British India where its principal place of business is situate; or if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business; moreover, the principal place of business of an unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding up of such Company, be deemed to be the registered Office of the Company.

(2.) No unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court.

(3.) The circumstances under which an unregistered Company may be wound up are as follows, (that is to say)—

(*a.*) Whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(*b.*) Whenever the Company is unable to pay its debts;

(*c.*) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up;

(4.) An unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts.

(*a.*) Whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company, or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor:

(*b.*) Whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due, or claimed to be due, from the Company, or from him in his character of member of the Company, and notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the Secretary, or some Director, Manager or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not within ten days after service of such notice paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages, and expenses to be incurred by him by reason of the same:

(*c.*) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied:

(*d.*) Whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

Who to be deemed a contributory in the event of Company being wound up.

210. In the event of an unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges, and expenses of winding up the Company, and every such contributory shall be liable to contribute to the assets of the Company in the course of the winding up all sums due from him in respect of any such liability as aforesaid; but in the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

211. The Court may, at any time after the making of an application for winding up an unregistered Company, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding up unregistered Company.

212. Where an order has been made for winding up an unregistered Company in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court, and subject to such terms as the Court may impose.

Provision in case of unregistered Company.

213. If any unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding up such Company, or by any subsequent order, direct that all such property, real and personal, including all interests, claims, and rights into and out of property, real and personal, and including things in action, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company or any part of such property, is to vest in the official liquidator or official liquidators by his or their official name or names, and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the official liquidator or official liquidators may, in his or their official name or names, or in such name or names, and after giving such indemnity as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding up the Company and recovering the property thereof.

Provisions in this part of Act cumulative.

214. The provisions made by this part of this Act with respect to unregistered Companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained with respect to winding up Companies by the Court, and the Court or official liquidator may, in addition to any thing contained in this part of this Act, exercise any powers or do any act in the case of unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the extent provided by this part of this Act.

PART IX.

Repeal of Acts and temporary Provisions.

Repeal of Acts.

215. After the commencement of this Act, there shall be repealed the several Acts specified in the third schedule hereto.

Saving Clause as to repeal.

216. No repeal hereby enacted shall affect—

(1.) Any thing duly done under any Acts hereby repealed :

(2.) The incorporation of any Company registered under any Act hereby repealed :

(3.) Any right or privilege acquired or liability incurred under any Act hereby repealed :

(4.) Any penalty, forfeiture, or other punishment incurred in respect of any offence against any Act hereby repealed :

(5.) Table B in the Schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

Construction of "Registrar of Joint Stock Companies" in Act XXI of 1860.

217. In Sections 1 and 18 of Act No. XXI of 1860 (*for the registration of Literary, Scientific and Charitable Societies*) the words "Registrar" of Joint Stock Companies shall be construed to mean Registrar of Joint Stock Companies under this Act or any Act for the time being in force.

Saving of existing proceedings for winding up.

218. Where previously to the commencement of this Act an order has been made for winding up a Company under any Acts or Act hereby repealed, or a resolution has been passed for winding up a Company voluntarily, such Company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding up, such repealed Acts or Act shall be deemed to remain in full force.

Saving of Conveyance Deeds.

219. Where previously to the commencement of this Act any conveyance, mortgage, or other deed has been made in pursuance of any Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed, such repealed Act shall be deemed to remain in full force.

Compulsory registration of certain Companies.

220. Every Company required by any Act hereby repealed to register under the said Acts, or either of them, and which has not so registered, shall, on or before the expiration of the thirty-first day from the commencement of this Act, register itself as a Company under this Act, in manner and subject to the regulations hereinbefore contained. No fees shall be charged in respect of the registration of any Company required to register by this Section.

Penalty on Company not registering.

221 If any Company required by the last Section to register under this Act makes default in complying with the provisions thereof, then, from and after the day upon which such Company is required to register under this Act, until the day on which such Company is registered under this Act (which it is empowered to do at any time), the following consequences shall ensue, (that is to say)—

(1.) The Company shall be incapable of suing, but shall not be incapable of being made a defendant to a suit :

(2.) No dividend shall be payable to any shareholder in such Company :

(3.) Each Director or Manager of the Company shall for each day during which the Company so being in default carries on business incur a penalty not exceeding one hundred rupees, and such penalty may be recovered by any person, whether a shareholder or not, in the Company, and be applied by him to his own use.

Nevertheless, such default shall not render the Company so being in default illegal, nor subject it to any penalty or disability other than as specified in this Section, and registration under this Act shall cancel any penalty or forfeiture, and put an end to any disability which any Company may

have incurred by reason of its not having registered under the said Act XIX of 1857.

Temporary power for Companies to change registered Office.

222. Upon the application of the Directors of any Company registered under the said Acts of 1857 and 1860, or either of them, made within one year after the date of the commencement of this Act, sanctioned by a resolution passed at an Extraordinary General Meeting, but subject to the restrictions hereinafter mentioned, the Governor General of India in Council shall have authority by his certificate in writing signed by one of the Secretaries to the Government of India to change the registered Office of any such Company from any one part of British India to any other part thereof. The Registrar of Joint Stock Companies with whom the Memorandum of Registration of such Company has been registered shall, upon receipt of such certificate, note in writing upon the margin or at the foot of the said memorandum the name of the place to which such registered Office is to be transferred, and the day upon which such transfer is, pursuant to such certificate, to take place, and shall attach the certificate to the memorandum, and the said Registrar shall thereupon transmit to the Registrar of Joint Stock Companies for that part of British India to which the registered Office is to be so transferred, copies of the said certificate and of the said Memorandum of Registration so noted certified by him. The said Registrar for the said last-mentioned part of British India shall, upon receipt of such copies of certificate and memorandum, retain and register the same in like manner, and on payment of the like fees to him as provided in the case of the registration of an original Memorandum of Registration, and thereupon the place of the registered Office shall, from the said last-mentioned registration, and the said day mentioned in the said certificate, be the place mentioned as such on the said certificate: Provided, however, that such change shall in no wise alter or affect any thing theretofore done by the said Company or any of their rights or liabilities in respect thereof.

Restrictions on issue of certificate.

223 The Governor General of India in Council shall not issue his certificate in pursuance of the foregoing Section until he is satisfied that an advertisement of the intention of the Company to apply to him for a certificate, with a declaration that all parties objecting thereto are forthwith to apply to the Governor General of India in Council has been published once at the least in each of four successive weeks in the local Gazette, nor until the Governor General of India in Council is satisfied that the objections, if any, that may be urged against the issue of such certificate, are groundless.

Act not to apply to Banks of Bengal, Madras, or Bombay.

224 Nothing in this Act shall affect Act VI of 1839 (*relating to the Bank of Bengal*), Act III of 1840 (*for the incorporation of a Bank at Bombay*), or Act IX of 1843 (*for the incorporation of a Bank at Madras*), or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay, incorporate by the said Acts respectively.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in general meeting may prescribe, be entitled to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in general meeting may prescribe.

Calls on Shares.

(4.) The Directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Directors.

(5.) A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The Directors may, if they think fit, receive from any member willing to advance the same all or any part of the monies due upon the shares held by him beyond the sums actually called for; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the Directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the register book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form :—

I, A B, of in consideration of the sum of Rupees paid to me by C D of do hereby transfer to the said C D the share (or shares) numbered standing in my name in the books of the Company, to hold unto the said C D his executors, administrators, and assigns, subject to

the several conditions on which I held the same at the time of the execution hereof; and I, the said C D, do hereby agree to take the said share (or shares) subject to the same conditions. As witness our hands, the day of

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, accompanied with such evidence as the Directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the Directors may, at any time hereafter, during such time as the call remains unpaid, serve a notice on him, requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day, on or before which such call, and all interest and expenses that have accrued by reason of such non-payment, are to be paid. It shall also name the place where payment is to be made (the place so named being either the registered Office of the Company or some other place at which calls of the Company are usually made payable). The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made, will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest, and expenses due in respect thereof has been made, be forfeited by a resolution of the Directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in general meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate that the call in respect of a share was made and notice thereof given; and that default in payment of the call was made, and that the forfeiture of the share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to a purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the sanction of the Company previously given in general meeting, convert any paid-up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interests, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company, and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26.) The Directors may, with the sanction of a special resolution of the Company previously given in general meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in general meeting directs, or, if no direction is given, as the Directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the exist-

ing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first general meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place as the Directors may determine.

(30.) Subsequent general meetings shall be held at such time and place as may be prescribed by the Company in general meeting; and if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year, at such place as may be determined by the Directors.

(31.) The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an extraordinary general meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene an extraordinary general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other members amounting to the required number, may themselves convene an extraordinary general meeting.

Proceedings at General Meetings.

(35.) Seven days' notice at the least, specifying the place, the day, and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(36.) All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at any ordinary meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets, and the ordinary report of the Directors.

(37.) No business shall be transacted at any general meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows: that is to say, if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of Members, shall be dissolved: In any other case it shall stand adjourned to the same day in the next week, at the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die.*

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every general meeting of the Company.

(40.) If there is no such Chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the Members present shall choose some one of their number to be Chairman.

(41.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any general meeting, unless a poll is demanded by at least five Members, a declaration by the Chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(43.) If a poll is demanded by five or more Members it shall be taken in such manner as the Chairman directs, and the result of such poll shall be deemed to be the resolution of the Company in General Meeting. In the case of an equality of votes at any general meeting the Chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every Member shall have one vote for every share up to ten: He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any Member is a lunatic or idiot he may vote by his Committee, or other legal Curator; and if any shareholder is a minor he may vote by his guardian, or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the Member whose name stands first in the Register of Members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No Member shall be entitled to vote at any General Meeting unless all calls due from him have been paid, and no Member shall be entitled to vote in respect of any share that he has acquired by transfer at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy.

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointer, or if such appointer is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a Member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered Office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form :—

Company Limited.

I of being a Member of the Company Limited, and entitled to vote or votes, hereby appoint of as my proxy, to vote for me and on my behalf at the (Ordinary *or* Extraordinary, *as the case may be*) General Meeting of the Company to be held on the day of , and at any adjournment thereof (*or*, at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the Memorandum of Association.

(53.) Until Directors are appointed the subscribers of the Memorandum of Association shall be deemed to be Directors.

(54.) The future remuneration of the Directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the Company in general meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the Directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise all such powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in general meeting, subject nevertheless to any regulations of these Articles, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in general meeting; but no regulation made by the Company in general meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

(56.) The continuing Directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of Director shall be vacated :—

If he holds any other office or place of profit under the Company :

If he becomes bankrupt or insolvent :

If he is concerned in or participates in the profits of any contract with the Company :

But the above rules shall be subject to the following exceptions : That no Director shall vacate his office by reason of his being a Member of any Company which has entered into contracts with or done any work for the Company of which he is Director; nevertheless he shall not vote in respect of such contract or work ; and if he does so vote his vote shall not be counted.

Rotation of Directors.

(58.) At the first ordinary meeting after the registration of the Company the whole of the Directors shall retire from office ; and at the first ordinary meeting in every subsequent year one-third of the Directors for the time being, or if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to retire during the first and second years ensuing the first ordinary meeting of the Company shall, unless the Directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If at any meeting at which an election of Directors ought to take place, the places of the vacating Directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place ; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in General Meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the Board of Directors may be filled up by the Directors, but any person so chosen shall retain his

office so long only as the vacating Director would have retained the same if no vacancy had occurred.

(65.) The Company, in General Meeting, may, by a special resolution, remove any Director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the Chairman shall have a second or casting vote. A Director may at any time summon a meeting of the Directors.

(67.) The Directors may elect a Chairman of their meetings, and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

(68.) The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit. Any Committee so formed shall, in the exercise of the powers so delegated, conform to any Regulations that may be imposed on it by the Directors.

(69.) A Committee may elect a Chairman of its meetings. If no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

(70.) A Committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and in case of an equality of votes the Chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

Dividends.

(72.) The Directors may, with the sanction of the Company in General Meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company, or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared, may be forfeited by the Directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The Directors shall cause true accounts to be kept,

Of the stock in trade of the Company;

Of the sums of money received and expended by the Company, and the matter in respect of which such receipt and expenditure takes place; and

Of the credits and liabilities of the Company.

The books of account shall be kept at the registered Office of the Company, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the Directors shall lay before the Company in General Meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries, and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year, and laid before the Company in General Meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to this Table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the Directors, subsequent auditors shall be appointed by the Company in General Meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be Members of the Company; but no person is eligible as an auditor who is interested otherwise than as a Member in any transaction of the Company; and no Director or other officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in such year.

(88.) The remuneration of the first auditors shall be fixed by the Directors; that of subsequent auditors shall be fixed by the Company in General Meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the application of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts, examine the Directors or any other Officer of the Company.

(94.) The auditors shall make a report to the Members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have or has been given by the Directors, and whether they or it have or has been satisfactory; and such report shall be read, together with the report of the Directors, at the ordinary meeting.

Notices.

(95.) A notice may be served by the Company upon any Member either personally or by sending it through the post in a letter addressed to such Member at his registered place of abode.

(96.) All notices directed to be given to the Members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the register of Members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service it shall be sufficient to prove that the letter containing the notices was properly addressed and put into the Post Office.

Dr. *Balance-sheet (a) of the* *Company made up to* 18 Cr.

	Capital and Liabilities.			Property and Assets.			
		Rs.	As			Rs.	As.
I. Capital.	Showing;			III. Property held by the Company.	Showing:		
	1 The number of shares				7 Immoveable property, distinguishing		
	2 The amount paid for share				(a) Freehold land		
	3 If any arrears of calls, the nature of the arrear, and the names of the defaulters				(b) „ Buildings		
	4 The particulars of any forfeited shares				(c) Leasehold „		
					8 Moveable property, distinguishing		
					(d) Stock in Trade		
					(e) Plant		
II. Debts and Liabilities of the Company.	Showing:				The cost to be stated with deductions for deterioration in value as charged to the reserve fund or profit and loss		
	5 The amount of loans on mortgages or debenture bonds						
	6 The amount of debts owing by the Company, distinguishing			IV. Debts owing to the Company.	Showing:		
	(a) Debts for which acceptances have been given ...						
	(b) Debts to tradesmen for supplies of stock in trade or other articles				9 Debts considered good for which the Company hold bills or other securities		
	(c) Debts for law expenses				10 Debts considered good for which the Company hold no security		
	(d) Debts for interest on debentures or other loans				11 Debts considered doubtful and bad, any debt due from a Director or other Officer of the Company to be separately stated		
	(e) Unclaimed dividends						
	(f) Debts not enumerated above						
VI. Reserve Fund.	Showing:						
	The amount set aside from profits to meet contingencies			V. Cash and investments.	Showing:		
VII. Profit and Loss.	Showing:				12 The nature of investment and rate of interest ...		
	The disposable balance for payment of dividends, &c....				13 The amount of cash, where lodged, and if bearing interest		
Contingent Liabilities.	Claims against the Company not acknowledged as debts						
	Monies for which the Company is contingently liable...						

(a) See Clauses 81 and 82 of the foregoing Table A.

TABLE B.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company having a capital divided into shares.

	Rs.	A.	P.
For Registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of	40	0	0
For Registration of a Company whose nominal capital exceeds Rs. 20,000 the above fee of twenty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 20,000 rupees up to 50,000 rupees	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 50,000 rupees up to 1,000,000 rupees	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 1,000,000 rupees	1	0	0
For Registration of any increase of capital made after the first Registration of the Company, the same fees per 10,000 rupees or part of 10,000 rupees as would have been payable if such increased capital had formed part of the original capital at the time of Registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on Registration, or afterwards, any greater amount of fees than taking into account in the case of fees payable on an increase of capital after Registration the fees paid on Registration.			
For Registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of Registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the Memorandum of Association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

TABLE C.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company not having a capital divided into shares.

	Rs.	A.	P.
For Registration of a Company whose number of Members, as stated in the Articles of Association, does not exceed 20	40	0	0
For Registration of a Company whose number of Members, as stated in the Articles of Association, exceeds 20, but does not exceed 100 ...	100	0	0
For Registration of a Company whose number of Members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 3 for every 50 Members or less number than 50 Members after the first 100.			
For Registration of a Company in which the number of Members is stated in the Articles of Association to be unlimited, a fee of ...	400	0	0
For Registration of any increase on the number of Members made after the registration of the Company in respect of every 50 Members, or less than 50 Members, of such increase.	5	0	0
Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 200 in respect of its number of Members, taking into account the fee paid on the first Registration of the Company.			
For Registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of Registration under this Act, the same fee as is charged for registering a new Company.			
For Registering any document hereby required or authorized to be registered, other than the Memorandum of Association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

FORM D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE ACT.

* The Capital of the Company is Rs. , divided into shares of each.

The number of shares issued is . Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the Company on the first day of January (or July) were;—

Debts owing to sundry persons by the Company:

Under decree,
On specialty,
On Notes or Bills,
On Simple Contracts,
On estimated Liabilities.

The assets of the Company on that day were—

Government Securities [stating them].
Bills of Exchange and Promissory Notes,
Cash at the Bankers,
Other Securities,

* If the Company has no capital divided into shares, the portion of the statement relating to capital and shares must be omitted.

SECOND SCHEDULE.

FORM A.

Memorandum of Association of a Company limited by Shares.

1st.—The name of the Company is "the Company, limited."

2nd.—The registered Office of the Company will be situate in

3rd.—The objects for which the Company is established are, " and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the Members is limited.

5th.—The Capital of the Company is Rs. divided into shares of Rs. each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses, and Descriptions of Subscribers.	Number of shares taken by each Subscriber.
1. A. B. of - -	
2. C. D. „ - -	
3. E. F. „ - -	
4. G. H. „ - -	
5. I. J. „ - -	
6. K. L. „ - -	
7. M. N. „ - -	
Total shares taken -	

Dated the day of

Witness to the above signatures.

O. P.

FORM B.

Memorandum and Articles of Association of a Company limited by guarantee, and not having a Capital divided into shares.

Memorandum of Association.

1st.—The name of the Company is "the Mutual Calcutta Marine Association, limited."

2nd.—The registered Office of the Company will be situate in Calcutta.

3rd.—The objects for which the Company is established are "the Mutual Insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4th.—Every Member of the Company undertakes to contribute to the assets of the Company in the event of the same being wound up during the time that he is a Member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a Member, and the costs, charges, and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, addresses, and descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of

Witness to the above signatures.

O. P.

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the purpose of registration, is declared to consist of five hundred Members.

(2.) The Directors hereinafter mentioned may, whenever the business of the Association requires it, register an increase of Members.

Definition of Members.

(3.) Every person shall be deemed to have agreed to become a Member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4.) The first General Meeting shall be held at such time not being more than three months after the incorporation of the Company, and at such place as the Directors may determine.

(5.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year at such place as may be determined by the Directors.

(6.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(7.) The Directors may, whenever they think fit, and they shall, upon a requisition made in writing by any five or more Members, convene an Extraordinary General Meeting.

(8.) Any requisition made by the Members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(9.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene a General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five Members may themselves convene a meeting.

Proceedings at General Meetings.

(10.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the Members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any Member shall not invalidate the proceedings at any General Meeting.

(11.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of the consideration of the accounts, balance-sheets, and the ordinary report of the Directors.

(12.) No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of Members is present at the commencement of such business; and such quorum shall be ascertained as follows, that is to say, if the Members of the Company at the time of the meeting do not exceed ten in number the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional Members up to fifty, and one for every ten additional Members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

(13.) If within one hour from the time appointed for the meeting, a quorum of Members is not present, the meeting, if convened upon the requisition of the Members, shall be dissolved: in any other case it shall stand adjourned to the same day in the following week at the same time and place; and if at such adjourned meeting a quorum of Members is not present, it shall be adjourned *sine die.*

(14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.

(15.) If there is no such Chairman, or if at any meeting he is not present at the time of holding the same, the Members present shall choose some one of their number to be Chairman of such meeting.

(16.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17.) At any General Meeting, unless a poll is demanded by at least five Members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such Resolution.

(18.) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the Chairman directs; and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

(19.) Every Member shall have one vote and no more.

(20.) If any Member is a lunatic or idiot, he may vote by his Committee, or other legal Curator: if any Member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21.) No Member shall be entitled to vote at any meeting unless all monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by proxies; a proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a Corporation, under its common seal.

(23.) No person shall be appointed a proxy who is not a Member, and the instrument appointing him shall be deposited at the registered Office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24.) Any instrument appointing a proxy shall be in the following form:—

COMPANY LIMITED.

I of
being a Member of the
Company limited, hereby appoint
of as my proxy, to vote for me and on my behalf at the [Ordinary *or* Extraordinary, *as the case may be*] General Meeting of the Company to be held on the day of , and at any adjournment thereof to be held on the day of next [*or* at any meeting of the Company that may be held in the year .]

As witness my hand, this
day of Signed by the said in the presence of

Directors.

(25.) The number of the Directors and the names of the first Directors shall be determined by the subscribers of the Memorandum of Association.

(26.) Until Directors are appointed, the subscribers of the Memorandum of Association shall be deemed to be Directors.

Powers of Directors.

(27.) The business of the Company shall be managed by the Directors; who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

Election of Directors.

(28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

(Here insert Rules as to mode in which Business of Insurance is to be conducted.)

ACCOUNTS.

(29.) The accounts of the Company shall be audited by a Committee of five Members, to be called the Audit Committee.

(30.) The first Audit Committee shall be nominated by the Directors out of the body of Members.

(31.) Subsequent Audit Committees shall be nominated by the Members at the Ordinary General Meeting in each year.

(32.) The Audit Committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and vouchers relating thereto.

(33.) The Audit Committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company. They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may in relation to such accounts examine the Directors or any other Officer of the Company.

(34.) The Audit Committee shall make a report to the Members upon the balance-sheet and accounts, and in every such report, they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations of the Company, and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and in case they have called for explanation or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read together with the report of the Directors at the Ordinary Meeting.

Notices.

(35.) A notice may be served by the Company upon any Member either personally, or by sending it through the Post in a letter addressed to such Member at his registered place of abode.

(36.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed, and put into the Post Office.

Winding up.

(37.) The Company shall be wound up voluntarily whenever an Extraordinary resolution, as defined by the Indian Companies' Act, 1866 is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of ... ... Merchant.
2. C. D. of ... ... ,,
3. E. F. of ... ... ,,
4. G. H. of ... ... ,,
5. I. J. of ... ... ,,
6. K. L. of ... ... ,,
7. M. N. of ... ... ,,

Dated the day of 18 .

Witness to the above signatures.

O. P.

FORM C.

Memorandum and Articles of Association of a Company limited by guarantee, and having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "The Hotel Company, Limited."

2*nd.*—The registered Office of the Company will be situate in

3*rd.*—The objects for which the Company is established are "the facilitating travelling in by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4*th.*—Every Member of the Company undertakes to contribute to the assets of the Company in the event of the same being wound up during the time that he is a Member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a Member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B.
2. C. D.
3. E. F.
4. G. H.
5. I. J.
6. K. L.
7. M. N.

Dated the day of 18

Witness to the above signatures.

O. P.

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lakhs of Rupees divided into five thousand shares of one hundred Rupees each.

2. The Directors may, with the sanction of the Company in General Meeting, reduce the amount of shares.

3. The Directors may, with the sanction of the Company in General Meeting, cancel any shares belonging to the Company.

4 All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses, and descriptions of subscribers.	Number of shares taken by each subscriber.
1. A. B.	
2. C. D.	
3. E. F.	
4. G. H.	
5. I. J.	
6. K. L.	
7. M. N.	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

O. P.

Memorandum and Articles of Association of an unlimited Company having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "The Patent Company."

2*nd.*—The registered Office of the Company will be situated in

3*rd.*—The objects for which the Company is established are "the working of a patent method of of which method O. P. of is the sole patentee.

We, the several persons whose names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 186 .

Witness to the above signatures.

O. P.

Articles of Association to accompany the preceding Memorandum of Association.

Capital of the Company.

The Capital of the Company is twenty thousand Rupees divided into twenty shares of one thousand Rupees each.

Application of Table A.

All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses, and descriptions of subscribers.	Number of shares taken by subscribers.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

Q. R.

FORM E. As required by the Second Part of the Act.

Summary of Capital and Shares of the Company made up to the day of
Nominal Capital Rs. divided into shares of Rs. each
Number of Shares taken up to the day of
There has been called up on each Share Rs.
Total amount of calls received Rs.
Total amount of calls unpaid Rs.

List of persons holding Shares in the Company on the day of and of persons who have held Shares thereon at any time during the year immediately preceding the said day of , showing their names and addresses and an account of the Shares so held.

Folio in Register Ledger containing particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing Members on the day of	Additional Shares held by existing Members during preceding year.		Shares held by persons no longer Members.		
						Number.	Date of transfer.	Number.	Date of transfer.	

THIRD SCHEDULE.

Number and date of Act.	Title of Act.
No. XLIII of 1850	An Act for the Regulation of Joint Stock Companies.
No. XIX of 1857	An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations either with or without limited liability of the members thereof.
No. VII of 1860	An Act to enable Joint Stock Banking Companies to be formed on the principle of limited liability.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to form a complete code for the formation, regulation, and winding up of Companies of every description, including under the term 'Companies' any Association that chooses to avail itself of the provisions of the Bill. It is a transcript of the English Companies' Act, 1862 (Stat. 25 & 26 Vict., Cap. 89), with the alterations, omissions and additions necessary to adapt that measure to India.

The Bill adopts the system of legislation created in this country by Act XIX of 1857, of which the English Joint Stock Companies' Act, 1856, was the prototype, and introduces the system of winding up subject to the supervision of the Court, which was initiated in England by the Joint Stock Companies' Act of 1857 and expanded by the amending Act of 1858.

The Bill also withdraws the prohibition which prevents Insurance Companies from availing themselves of the provisions of Act XIX of 1857. Banking Companies were exempted from the like prohibition by Act VII of 1860, and the exemption is of course continued by the present Bill.

No Company can be registered under Act XIX of 1857 unless it possesses a joint stock capital divided into shares of a certain fixed amount. But this Bill comprehends Companies formed on the mutual principle, such as mutual loan Companies and all Associations deriving their funds from annual subscriptions or any other source than a share capital.

The Bill legalizes the formation of a new species of Company. In this, which is called "a Company limited by guarantee," the liability of the Members is limited to such amount as they may undertake by the Memorandum of Association to contribute to the assets of the Company in the event of its being wound up.

Act XIX of 1857 provides only for the winding up of Companies registered under it. The present Bill makes provisions for winding up all Companies, whether registered or not.

The minor changes in the law which the present Bill proposes to make may be briefly stated.

The liability of Members differs somewhat from that established by Act XIX of 1857, and is as follows. Every Member is liable, during the time of his membership and for a year after, in respect of engagements contracted before the time that he ceased to be a Member, but not in respect of subsequent engagements. In a Company limited by shares his liability ceases when he has paid up all calls on his shares. In a Company limited by guarantee, the extent of his liability is measured by the amount of the guarantee, with the addition, if the capital be divided into shares, of an obligation to pay up the calls on his shares. In the case of an unlimited Company the calls must be made equally on all the shareholders, and a Member cannot, as formerly, be singled out by the creditors.

All limited Companies (Section 43) must keep at their Office a register of mortgages open to inspection by any creditor or member.

Three-fourths in number and value of the Company may by special resolution alter its regulations, and the Bill contains provisions enabling a certain number of Members to obtain an examination of the affairs of the Company by an Inspector appointed by the Local Government, which here, as throughout the Bill, represents the Board of Trade of the English Statute.

The Bill contains provisions enabling Companies to refer matters in dispute to arbitration. These are taken from the Railway Companies' Arbitration Act, 1859. In the case of disputes between a Company and one of its shareholders, the provisions as to arbitration contained in the Code of Civil Procedure are incorporated by reference. And there are other provisions for forms of notices, application of penalties, conduct of legal proceedings and alterations in the forms in the Schedules, which cannot well be stated in a summary manner.

H. S. MAINE.

The 6th December 1865.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 5th January 1866, and was referred to a Select Committee, with instructions to make their report thereon in six weeks :—

No. 28 of 1865.

A Bill to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.

Preamble.

Whereas it is expedient to provide a summary procedure for the recovery of money due on dishonoured Bills of Exchange, Hundís and Promissory Notes; and whereas inconvenience is felt by persons engaged in trade by reason of the laws of British India being in some particulars different from those of England in matters of common occurrence in the course of such trade; and whereas, with a view to remedy such inconvenience, it is expedient to amend the laws of British India as hereinafter is mentioned: It is enacted as follows :—

Interpretation Clause.

"British India."

1. In this Act—unless there be something repugnant in the subject or context—"British India" shall mean the territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., Cap. 106 (*An Act for the better Government of India*).

"Local Government."

And in every part of British India in which this Act shall operate, "Local Government" shall mean the person authorized by law to administer executive Government in such part:

"High Court."

"High Court" shall mean the highest Civil Court therein in its ordinary original Civil jurisdiction; and

"Chief Justice."

"Chief Justice" shall mean the Chief Justice, or Senior Judge, or any other Judge for the time being authorized to act as Chief Justice, or Senior Judge of any such Court.

From and after 1st May 1866, in all suits upon Bills of Exchange, &c., if plaintiff desires to proceed under this Act, the summons shall be in the form given in the Schedule.

2. From and after the first day of May 1866, all suits upon Bills of Exchange, Hundís or Promissory Notes commenced in any High Court within six calendar months after the same shall have become due and payable, may, in case the plaintiff shall desire to proceed under this Act, be commenced as hereinafter is mentioned (that is to say) the plaint shall be in the form prescribed by the Code of Civil Procedure; but the summons shall be in the form contained in the Schedule to this Act; and in any case in which the plaint and summons shall be in such forms respectively, it shall not be lawful for the defendant to appear to or defend the suit unless he shall obtain leave from a Judge as hereinafter mentioned so to appear and defend; and in default of his obtaining such leave or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by the Chief Justice, unless the plaintiff claim more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be enforced forthwith.

Defendant showing a defence upon the merits to have leave to appear.

3. The Court may, upon application within the period of twelve days from the service of such summons, give leave to appear and to defend the suit, upon the defendant paying into Court the sum mentioned in the summons or upon affidavits satisfactory to the Court, which disclose a defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise as to the Court may seem fit.

Court may, under special circumstances, set aside decree.

4. After decree, the Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to appear to the summons and to defend the suit, if it shall seem reasonable to the Court so to do and on such terms as to the Court may seem just.

Court may order Bill to be deposited with Officer of Court in certain cases.

5. In any proceedings under this Act, it shall be competent to the Court to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all proceedings shall be stayed until the plaintiff shall have given security for the costs thereof.

Remedy for recovery of cost of noting non-acceptance of dishonoured Bill.

6. The holder of every dishonoured foreign Bill of Exchange or Promissory Note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this Act for the recovery of the amount of such Bill or Note.

Civil Procedure Code and rules made thereunder to apply to proceedings under this Act.

7. The provisions of the Code of Civil Procedure and all rules made under or by virtue of the said Code shall, so far as the same are or may be made applicable, extend and apply to all proceedings to be had or taken under this Act.

Local Government may extend Act.

8. It shall be lawful for the Local Government to direct that all or any part of the provisions in Sections 2 to 7, both inclusive, of this Act shall, *mutatis mutandis*, apply to all or any other Courts or Court in the territories under such Government, and within one month after such order shall have been made and published in the official Gazette, such provisions shall

extend and apply in manner directed by such order, and any such order may be in like manner from time to time altered and annulled. In and by any such order the Local Government may direct by whom any powers or duties incident to the provisions applied under this Act, shall and may be exercised with respect to matters in such other Courts or Court, and may make any orders or regulations which may be deemed requisite for carrying into operation in such Courts or Court the provisions so applied.

Consideration for guarantee need not appear by writing.

9. No special promise to be made by any person after the passing of this Act to answer for the debt, default or miscarriage of another person, being in writing, and signed by the party to be charged therewith or some other person by him thereunto lawfully authorized, shall be deemed invalid to support a suit to charge the person by whom such promise shall have been made, by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

Guarantee to or for a Firm to cease upon a change in the Firm, except in special cases.

10. No promise to answer for the debt, default or miscarriage of another made to a Firm consisting of two or more persons, or to a single person trading under the name of a Firm, and no promise to answer for the debt, default or miscarriage of a Firm consisting of two or more persons, or of a single person trading under the name of a Firm, shall be binding on the person making such promise in respect of any thing done or omitted to be done after a change shall have taken place in any one or more of the persons constituting the Firm, or in the person trading under the name of a Firm, unless the intention of the parties, that such promise shall continue to be binding notwithstanding such change, shall appear either by express stipulation or by necessary implication from the nature of the Firm or otherwise.

Acceptance of a Bill, Inland or Foreign, to be in writing on it, and signed.

11. No acceptance of any Bill of Exchange, whether Inland or Foreign, made after the first day of May 1866, shall be sufficient to bind or charge any person, unless the same be in writing on such Bill, or, if there be more than one part of such Bill, on one of the said parts, and signed by the acceptor or some person duly authorized by him.

What are to be deemed "Inland Bills."

12. Every Bill of Exchange or Promissory Note drawn or made in any part of British India, and made payable in or drawn upon any person resident in any part of British India, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the stamp duty, if any, which, but for this enactment, would be payable in respect of any such Bill or Note.

Suits on lost negotiable instruments.

13. In case of any suit founded upon a Bill of Exchange or other negotiable instrument, if it shall be proved to the satisfaction of the Court that the instrument is lost, and if an indemnity be given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, it shall be lawful for the Court to make such decree as it would have made if the plaintiff had produced the instrument in Court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

SCHEDULE.

No. of Suit.

In the High Court of at

Plaintiff
Defendant

To [*here enter the defendant's Name, Description and Address*].

Whereas [*here enter the plaintiff's name, description and address*] has instituted a suit in this Court against you under Act No. of 1866 (to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India) for Rs. principal and interest [*or* Rs. balance of principal and interest] due to him as the Payee [*or* Indorsee] of a Bill of Exchange [*or* Hundí *or* Promissory Note] of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within twelve days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such twelve days to obtain a decree for any sum not exceeding the sum of Rs. [*here state the sum claimed*] and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[*Here copy the Bill of Exchange, Hundí or Promissory Note, and all endorsements upon it.*]

STATEMENT OF OBJECTS AND REASONS.

The present Bill, the bulk of which is founded on two English Statutes relating to mercantile law, is introduced, partly because of the obvious expediency of having the law merchant of India identical with that of England, but chiefly because of the important improvements which those Statutes have effected.

Sections 2—8 of the Bill are transcribed from the Summary Procedure on Bills of Exchange Act (18 & 19 Vic., cap. 67), with such changes as Indian procedure renders necessary or expedient. They will at present only apply to the High Courts in their ordinary original Civil jurisdiction. But as the English Statute has worked so well that it has been extended to the County Courts and Ireland, it is probable that an analogous extension may be found desirable in India, and the present Bill accordingly empowers the Local Governments to extend these sections to the Courts in the Mofussil. The English Statute gives every reasonable opportunity to set up *bonâ fide* defences, while it de-

prives the ordinary class of defendents in actions on bills of exchange and promissory notes of the opportunities which they formerly enjoyed in England, and still enjoy in India, of delaying their creditors and putting them to useless expense. The word 'foreign' has been inserted in the Section corresponding with Section 5 of the English Statute, so as to prevent the recovery of expenses caused by the unnecessary employment of notaries.

Sections 9—12 of the Bill correspond with Sections 3, 4, 6, 7 of the English Statute 19 & 20 Vic., cap. 97. They declare that the consideration for a guarantee need not be in writing—so far modifying the requirements of the Statute of Frauds. They provide that a guarantee to or for a firm shall, except in special cases, cease upon a change in the firm. They further provide that acceptances of all bills, whether inland or foreign, shall be in writing, signed by the acceptor, or some person duly authorized by him. The Bill also declares what bills in British India shall be deemed "Inland Bills," a matter on which some doubt exists.

Section 13, modelled on Section 87 of the Common Law Procedure Act, 1854, empowers the Court, in case of a suit on any lost negotiable instrument, to make a decree in favour of the plaintiff, provided he proves the loss and gives a proper indemnity against the claims of any other person on the instrument.

H. S. MAINE.

The 18th December 1865.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 5th of January 1866, and is hereby promulgated for general information :—

ACT No. I OF 1866.

An Act to amend Act No. XIX of 1861 (*to provide for a Government Paper Currency.*)

Preamble.

Whereas it is expedient to amend Act No. XIX of 1861 (*to provide for a Government Paper Currency*); It is enacted as follows :—

Addition to Section 9 of Act XIX of 1861.

1. The ninth Section of the said Act shall be read as if after the words "Provided that the said Head Commissioner, Deputy Commissioners and Agents shall in all cases be entitled to require such silver bullion and foreign coin to be melted and assayed at the expense of the person tendering the same," the following words were inserted (that is to say),—

"Every person so tendering bullion or foreign coin and depositing the same in any such Office or Agency shall be entitled to receive therefor a certificate signed by the person or persons authorized to issue the Notes aforesaid, which certificate shall acknowledge the receipt of such bullion or foreign coin and shall state the value thereof after deducting the expense of melting and assaying the same, and shall also state the interval (which the Governor-General in Council shall from time to time fix by notification in the Gazette of India) on the expiration of which, if such certificate be presented to such Office or Agency, the holder shall be entitled to receive Promissory Notes in exchange for the said bullion or foreign coin at the rate and subject to the deduction aforesaid; and no person so tendering as aforesaid and receiving such certificate shall be entitled to receive such Notes previous to the expiration of the interval so stated in the said certificate. But nothing hereon contained shall preclude the person or persons so authorized from issuing, if he or they shall think fit, Notes in exchange for bullion or foreign coin at the rate and subject as aforesaid."

Short Title.

2. This Act shall be called "The Currency Act Amendment Act, 1866."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

No. 5495.

Fort William, the 30th December 1865.

NOTIFICATIONS.

The following Notice to Mariners is published for general information :—

NOTICE TO MARINERS.

COAST OF BRITISH BURMAH.

Double Island Light-house.

Notice is hereby given that a Light has been established on Double Island in the Gulf of Martaban, Bay of Bengal.

The Light was first exhibited on the 4th December 1865, and will continue to be shown henceforward, nightly, from sunset to sunrise.

The Light is a First Class, fixed, Dioptric Light, and is visible in clear weather about 19 nautical miles from the deck of a large Ship. It shows through an angle of 164° 30′, illuminating the western horizon, and is cut off on two bearings, respectively N. N. W. and S. ¾ E. from the Lighthouse—the former passing one and a half miles clear of the Patch Buoy off Amherst, to the west; and the latter, one and a quarter miles clear of Callagouk Island, also to the west. An isolated beam of light shows from the Patch Buoy eastward as far as Amherst Point.

Amherst Point bears from the Light,	N. ¾ W.
Patch Buoy	N. by W. ½ W.
Callagouk Island	(W. Point) S. by. E.
Double Island is in ...	Latitude 16° 52′ 30″ N. Longitude 97° 36′ 30″ E.

Vessels after making the Light should endeavour to keep it between the bearings of S. E. and N. E., paying particular attention to the state of the tides, as they run on the springs about five knots an hour, parallel with the Coast. Vessels stand-

ing-in too close to the land will lose the Light altogether; but so long as the Light is kept in sight, they will be in no danger until they are ten miles to the northward of it, when they will be approaching the Goodwin Sands, where the tides set very strong.

The anchoring ground, in the vicinity of Double Island, is very good; but, of course, on account of the strength of the tides, Vessels should avoid, as much as possible, the risk of anchoring in such deep water.

(Signed) J. M. McNeile, *Lieut.*, R. E.,
Executive Engineer, D. I. L. H.

" A. J. Dodd,
Offg. Master Attendant, Moulmein.

Double Island;
The 6th December 1865

No. 2.
The 2nd January 1866.

The Reverend C. C. Anstey, of the Bengal Ecclesiastical Establishment, has been permitted, by the Secretary of State, to retire from the service.

No. 65.

Mr. Henry Bruce Simson, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years from the date of embarkation.

No. 27.
The 4th January 1866.

Moung Byan, Moung Min Gyaw, and Moung Tsât, Extra Assistant Commissioners in the Province of British Burmah, are invested with the powers of a Subordinate Magistrate of the 2nd Class, as described in Section 22 of Act XXV of 1861.

No. 42.
The 5th January 1866.

Appointment.—Captain F. G. Steuart, District Superintendent of Police, Raepore, to officiate as Inspector General of Police, Central Provinces, during the absence of Lieutenant Colonel H. D. Taylor on privilege leave.

No. 61.

The under-mentioned Specifications of Inventions have been filed under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India, in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every Specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India, in the Home Department, to public inspection, upon payment of a fee of one Rupee; a certified copy of any Specification will be given to any person requiring the same on payment of the expense of copying:—

No. 267.—Major H. R. Morgan, Madras Staff Corps, and Deputy Conservator of Forests, residing at Ootacamund, for a way to plant, transplant, or remove cuttings or seedlings of Chinchona, Tea, or other kinds of plants by placing them in "Peat Cup."

No. 274.—Mr. George Peel, Junior, of the firm of Messrs. Peel Williams and Peel of the Soho Foundry, in the City of Manchester, Engineer, and Mr. Isaac Mason, late of Bombay, at present residing at Sale, in the County of Chester, Engineer, for improvements in hydraulic presses for compressing cotton and other substances.

No. 69.

The Governor General in Council is pleased to confirm the appointment made by the Chief Justice, of Mr George Gordon Morris to officiate as Registrar of the High Court at Fort William in Bengal, in its Appellate Jurisdiction, during the absence on leave of Mr. H. T. Prinsep, or until further orders.

Mr. Morris assumed charge of the duties of that Office on the 2nd instant.

E. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

General.

No. 2.
Fort William, the 3rd January 1866.

Major C. Baldwin, Deputy Commissioner of Nursingpore, in the Central Provinces, has obtained 8 weeks' leave of absence from the 15th March 1866, preparatory to applying for furlough to Europe on private affairs.

No. 4.

Sooltan Ali, Deputy Collector of Settlements in the Chindwarrah District, Central Provinces, has obtained six months' leave of absence on medical certificate from the date on which he may avail himself of it.

No. 6.

The following arrangements in the British Burmah Commission, consequent on the retirement of Mr Abreu, are sanctioned by the Governor General in Council:—

Mr. E. Richardson, Extra Assistant Commissioner, 1st Class, 2nd Grade, to be Extra Assistant Commissioner, 1st Class, 1st Grade, from the date on which Mr. Abreu may be relieved.

Moung Byaw, Akonwoon, or Head Treasury Clerk, Amherst District, to be Extra Assistant Commissioner, 1st Class, 2nd Grade, from the date on which he may make over charge of his Office.

No. 8.

Mr. J. W. S. Wyllie has this day resumed charge of his office as Under Secretary to the Government of India in the Foreign Department, from Mr. J. Talboys Wheeler, Assistant Secretary.

No. 9.

Major J. Puckle, Deputy Superintendent, 3rd Class, Mysore Commission, has obtained 6 months' leave of absence on medical certificate, from the 1st December 1865, to proceed to the Neilgherry Hills and the Coast.

No. 14.
The 4th January 1866.

Lieutenants J. E. Alexander and C. A. Baylay, of the Royal Artillery, to be Assistant Commissioners of the 3rd Class in Berar.

No. 19.
The 5th January 1866.

Major R. Renton, Town Magistrate of Mysore, embarked for Europe on the 13th ultimo, by the Steamer *Simla*.

No. 20.

Dr. K. Burr, in Medical Charge of the Jeypore Political Agency, has obtained privilege leave of absence for one month from the 1st instant, or from the date on which he may avail himself of it.

No. 22.

Lieutenant E. H. Ashe, Quarter Master of the 8th Native Infantry, to officiate as Cantonment Magistrate of Neemuch, in addition to his own duties, during the absence on leave of Major W. D. Dickson.

Lieutenant Ashe is invested, temporarily, with the powers of a Magistrate under Section 23 of Act XXV of 1861, within the limits of the Neemuch Cantonment.

W. MUIR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 2nd January 1866.

No. 1 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Browne William Ryall, of the Bengal Staff Corps, District Superintendent of Police, Lucknow.	For 20 months.
Lieutenant Henry George Saunders, of the late 3rd European Regiment.	For 20 months, under the new Regulations.

No. 2 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Major (Brevet Colonel) Henry Wylie Norman, C. B., of the Bengal Staff Corps, Aide-de-Camp to the Queen, Secretary to the Government of India in the Military Department.	For 12 months, with effect from the 25th December 1865, the date of departure of the Steam Ship "Delhi."

No. 3 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments, with effect from the 25th December 1865 :—

Lieutenant Colonel H. K. Burne, Deputy Secretary, to officiate as Secretary to the Government of India, in the Military Department, during the absence on sick leave to Europe of Colonel H. W. Norman, C. B., or until further orders.

Lieutenant Colonel B. E. Bacon, 1st Assistant Secretary, to officiate as Deputy Secretary, *vice* Lieutenant Colonel Burne.

Major A. B. Johnson, 2nd Assistant Secretary, to officiate as 1st Assistant Secretary, *vice* Lieutenant Colonel Bacon.

No. 4 *of* 1866.—The following Extract from the *London Gazette* of the 29th September 1865 is published for general information :—

WAR OFFICE, *Pall Mall,*
29th September 1865.

Sub-Assistant Surgeon Henry Wilmot Smith, 6th Regiment Hyderabad Contingent, to have the local and honorary rank of Assistant Surgeon in India, dated 29th September 1865.

No. 5 *of* 1866.—Third Class Sub-Assistant Surgeon Unnoda Churn Kastogree, attached to the Charitable Dispensary at Burrisaul, having been pronounced qualified for advancement, is, under the rules passed by Government, in the Home Department, dated 6th January 1849, promoted to the 2nd Class, with effect from the 12th December 1865.

No. 6 *of* 1866.—The under-mentioned Non-Commissioned Officer is admitted to pension as specified opposite to his name :—

Sergeant George Savage, Police Constable, Government House.	Rs. 14-14-6 per mensem, payable in India.

The 3rd January 1866.

No. 7 *of* 1866.—The services of Lieutenant W. J. Heaviside, of the Royal Engineers, Assistant Engineer, Department of Public Works, on duty with the Bhootan Field Force, are placed at the disposal of the Home Department.

No. 8 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Bombay.
Lieutenant R. J. Wimberley, General List, Infantry, District Superintendent of Police, Hissar.	14th December 1865.

	Date of arrival at Fort William.
Lieutenant J. W. McQueen, of the Bengal Staff Corps, 2nd in Command and Wing Officer, 4th Punjaub Infantry Surgeon Major G. E. Morton, M. D., of the Medical Department.	23rd December 1865.
Captain (Brevet Major) W. C. Hamilton, late 2nd European Bengal Fusiliers.	25th December 1865.

No. 9 *of* 1866.—Her Majesty has been pleased to appoint the under-mentioned gentleman to be an Assistant Surgeon in Her Majesty's Indian Military Forces at the Presidency of Bengal :—

He is accordingly admitted into the service.

Medical Department.

	Date of arrival at Fort William.
Mr. James Kelly, M. D. ...	9th November 1865.

No. 10 *of* 1866.—The under-mentioned Soldier of Her Majesty's Service is permitted to reside and draw his pay in India, as an out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of his pension :—

Private Michael Henly, of Her Majesty's 107th Foot.

No. 11 *of* 1866.—The under-mentioned Warrant Officer is permitted to proceed to Europe on furlough on private affairs :—

Apothecary Richard James Quinnell, of the Subordinate Medical Department.	For 2 years.

The 4th January 1866.

No. 12 *of* 1866.—With reference to Government General Orders Nos. 900 and 1092 of the 3rd October and 23rd November last, His Excellency the Governor General in Council is pleased to direct, that the temporary arrangements for the Command of the Troops during the continuance of operations in Bhootan shall cease from the 15th instant; and Brigadier General J. M. B. F. Tytler, C. B., will revert from that date to the Command of the Eastern Frontier Brigade as a Brigadier General of the 1st Class.

2. The duties of Brigadier General W. W. Turner, C. B., with the Force serving in Bhootan, will also cease from the same date.

No. 13 *of* 1866.—The following Order, issued by the Government of Bombay, is confirmed :—

No. 624, *dated the* 12*th December* 1865.—Granting leave of absence to Europe on medical certificate to Captain (Brevet Major) H. Clerk, of the Madras Staff Corps, Commandant, 2nd Cavalry Hyderabad Contingent.	For twenty months.

No. 14 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.

2nd Cavalry.

Assistant Surgeon J. Ince, temporarily attached to the 4th Sikh Infantry, to the medical charge, vice Assistant Surgeon Constant, M. D., appointed to the 6th Infantry.

No. 15 *of* 1866.—The following promotions by Brevet are made under the operation of Government General Order No. 632 of the 4th August 1864, subject to Her Majesty's approval:—

BREVET.

Corps.	Rank and Names.	Date from which entitled to the rank of Lieutenant Colonel.
	To be Lieutenant Colonels.	
Late 49th Native Infantry	Major Robertson Larkins	10th December 1865.
Late 15th Native Infantry	Ditto George Gibson Anderson	Ditto.
Late 69th Native Infantry	Ditto Edward Tulloch	Ditto.
	To be Majors.	Date from which entitled to the rank of Major.
Staff Corps ...	Captain William Robert Gordon	12th December 1865.
Late 56th Native Infantry	Ditto Walter Henry Smith	20th ditto.
Late 54th Native Infantry	Ditto Danvers Henry Osborn	27th ditto.
	To be Captains.	Date from which entitled to the rank of Captain.
Late 28th Native Infantry	Lieutenant John Skynner Walters	9th December 1865.
Late 2nd Native Infantry...	Ditto Francis Frederick Rowcroft	10th ditto.
Late 57th Native Infantry	Ditto Harry DeBrett...	10th ditto.
Staff Corps ...	Ditto Thomas Richard Devereux Bingham	13th ditto.
Late 24th Native Infantry	Ditto George Nicholson Saunders	20th ditto.
Late 67th Native Infantry	Ditto Henry Loftus Alexander Tottenham	20th ditto.

No. 16 *of* 1866.—The following promotion is made, subject to Her Majesty's approval :—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In succession to
Cadre of late 22nd Native Infantry.	Lieut. (Capt. in Staff Corps) Thomas Quin	Captain ...	26th Oct. 1865...	Capt. (Major in Staff Corps) F. K. Bacon, retired.

No. 17 *of* 1866.—The under-mentioned Surgeon of the Bengal Medical Department is promoted to the rank of Surgeon Major, under the provisions of Government General Order No. 507 of the 20th June 1864, subject to Her Majesty's approval :—

Rank and Name.	From what date.
Surgeon David Scott, M. D.	20th December 1865.

No. 18 *of* 1866.—The under-mentioned Officer has reported his return from England :—

	Date of arrival at Bombay.
Surgeon H. A. Oldfield, M. D., of the Medical Department.	14th December 1865.

The 5th January 1866.

No. 19 *of* 1866.—Subadar Veeragoo, of the Madras Sappers and Miners, is promoted from the 2nd to the 1st Class of the "Order of British India," with the title of "Sirdar Bahadoor." Jemadar Venketachellum, of the Battery Madras Native Artillery, is admitted to the 2nd Class of the "Order of British India," with the title of "Bahadoor."	From the 19th June 1865, in succession to Pensioned Subadar Major Ramasawmy, "Sirdar Bahahoor," of the 1st Class, deceased.

Subadar Davasegoyum, of the Madras Sappers and Miners, is admitted to the 2nd Class of the "Order of British India," with the title of "Bahadoor," with effect from the 6th July 1865, in succession to Pensioned Subadar Major Rungashoye "Bahadoor," deceased.

The above cancels Government General Order No. 1043 of the 14th November 1865, admitting Jemadar Venketachellum to the 2nd Class from the 7th July last.

No. 20 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel William Fullerton, of the Bengal Staff Corps, Deputy Judge Advocate General, Sirhind Division.	For 20 months.

No. 21 *of* 1866.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 341, dated 24th November 1865, is published for general information :—

MILITARY. INDIA OFFICE,
No 341. *London, 24th November* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

Her Majesty has been pleased to approve of the following appointments, viz. :—

Colonel Frank Adams, C. B., Lieutenant Colonel on half-pay, late 28th Foot, at present serving as a Brigadier General at Aldershot, to be placed upon the Staff of the Army in India as a Major General, with local rank, with a view to his succeeding to the Command of a Division in Bombay, vice Major General Sir C. T. Van Straubenzie, who resigns.

Colonel Daniel Rainier, Lieutenant Colonel, 98th Foot, to be placed upon the Staff of the Army in India as a Major General with local rank, with a view to his succeeding to the Command of a Division in Bengal, vice Major General Sir John Garvock, K. C. B., who resigns.

I have, &c.,
(Sd.) C. WOOD.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 1.

Fort William, the 2nd January 1866.

NOTIFICATIONS.

Mr. Charles William Olding, Probationary Assistant Engineer, under covenant with the Secretary of State for India in Council, is posted to Bengal, and will be brought on the effective strength of the Public Works Department as an Assistant Engineer, 3rd Grade, with effect from the date he joins the Division to which he may be attached.

This cancels Notification No. 438 of the 18th December 1865.

No. 2.

Mr. J. Colthurst is appointed to officiate as an Accountant of the 2nd Grade, on probation, and posted to the Office of the Accountant General, Public Works Department, from the date of his taking up the duties of the appointment.

No. 3.

Mr. J. Sheldon, Assistant Engineer, 1st Grade, is transferred from the North-Western Provinces to Oudh.

No. 4.

Lieutenant L. Wavell, Staff Corps, Assistant Engineer, 2nd Grade, is transferred from the Central Provinces to the North-Western Provinces.

No. 5.

The 3rd January 1866.

Mr. W. W. Culcheth, Assistant Engineer, 1st Grade, is promoted to Executive Engineer, 4th Grade, and transferred from the North-Western Provinces to British Burmah.

No. 6.

The 4th January 1866.

The services of Lieutenant Colonel J. H. Maxwell, R. E., Superintending Engineer, Bengal, are placed at the disposal of the Financial Department for employment as Mint Master, Bombay.

Captain F. S. Stanton, R. E., Executive Engineer, 1st Grade, is appointed to officiate as Superintending Engineer, 2nd Class, 2nd Grade, vice Colonel Maxwell, from the date on which the latter Officer makes over charge of his Office.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

Statement of Government Promissory Notes enfaced for Payment of Interest in London, showing the total amount outstanding according to the Registers received in this Office up to 21st December 1865.

	4 per cent. Transfer of 1865.	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statement dated 12th December 1865 ...	12,35,600	53,000	300	22,75,300	23,92,600	1,12,33,800	82,46,000	36,62,400	5,18,61,000	2,83,78,500	27,600	16,000	10,93,82,100
ADD—													
Amount enfaced at Madras, as per Registers received up to date	...	...	...	...	...	...	...	...	5,200	...	...	...	5,200
Amount enfaced at Bombay, as per ditto ...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enfaced at Calcutta up to date	24,400	...	...	...	500	...	8,500	500	11,000	21,000	...	...	65,900
Total ...	12,60,000	53,000	300	22,75,300	23,93,100	1,12,33,800	82,54,500	36,62,900	5,18,77,200	2,83,99,500	27,600	16,000	10,94,53,200
DEDUCT—													
Amount removed from the London Books as per Registers received up to date	...	...	...	83,300	500	39,100	62,000	...	1,65,000	15,000	...	...	3,64,900
Total ...	12,60,000	53,000	300	21,92,000	23,92,600	1,11,94,700	81,92,500	36,62,900	5,17,12,200	2,83,84,500	27,600	16,000	10,90,88,300

FORT WILLIAM;
LOAN OFFICE,
The 28th December 1865.

E. F. HARRISON,
Officiating Comptroller General of Accounts.

Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

THE under-mentioned Students have passed the First Examination in Arts :—

FIRST DIVISION.

In Order of Merit.

1	Gopal Chundra Shaha	...	Calcutta Free Church Institution.
2	Taruck Nauth Mitter	...	Presidency College.
3	Mohendro Nath Dutt	...	Ditto.
4	E. R. T. Teiry	...	Doveton College.
5	Jogendro Nauth Chowdhry	..	Presidency College.
6	Juggut Doorlub Bysack	...	Ditto.
7	Cally Doss Bhunjo	...	Ditto.
8	Shib Chunder Banerjea	...	Patna College.
9	Juggut Bundhu Dutt	...	Dacca College.
10	Joy kristo Sen	...	Presidency College.
11	Kr isto Behary Sen	...	Ditto.
12	Rutton Chand	..	Agra College.
13	Francis Beven	...	Queen's College, Colombo.
14	Protool Chunder Chatterjea	...	General Assembly's Institution.
15	S. N. Banerjea	...	Doveton College.
16	Ram Doorlub Khan	...	Presidency College.
	Opendro Nauth Mitter	..	Ditto.
18	Mohindro Nauth Banerjea	...	Ditto.
	Tara Nauth Chuckerbutty	...	Cathedral Mission College.
20	Gopaul Loll Mookerjea	...	Presidency College.
	Mothoora Nauth Chatterjea	...	Dacca College.
22	Gopaul Chunder Goopto	..	Presidency College.
23	Chunder Coomar Roy	...	Ditto.
	Juggobundhu Laha	...	Dacca College.
25	Mohendro Nau h Bose	...	Hooghly College.
26	Sham Kissore Bose	...	Dacca College.
27	Joggut Chunder Doss	...	Presidency College.
	J. Basten	...	Lahore Mission School.

SECOND DIVISION.

In Alphabetical Order.

	Ahmud	...	Doveton College.
	Amrito Coomar Surbadhicary	...	Sanscrit College.
	Anund Gopaul Sen	...	Kishnaghur College.
	Aubinash Chunder Chatterjea	...	Presidency College.
	Aubinash Chunder Mitter	...	Ditto.
	Aubinash Chunder Mookerjea	...	Hooghly College.
	Bacharam Ghose	...	Calcutta Free Church Institution.
	Behary Lall Baboo	...	Ditto.
	Behary Lall Bose	...	Presidency College.
10	Behary Lall Ghose	..	Kishnagur College.
	Behary Lall Mullick	...	Hooghly College.
	Benode Behary Chowdhry	..	Presidency College.
	Benode Behary Mitter	..	Ditto.
	Bharun Pershad	...	Delhi College.
	Bharut Chunder Dutt	...	Dacca College.
	Bhobany Churn Dutt	...	Presidency College.
	Bhola Nauth Bose	...	Berhampore College.
	Bhola Nauth Dey	...	Presidency College.
	Bhola Nauth Mookerjee	...	Kishnagur College.
20	Bhoobun Mohun Sen	...	Calcutta Free Church Institution.
	Bhoop Sen Sing	...	Presidency College.
	Bippro Doss Mokerjee	..	Kishnaghur College.
	Bishwa Nauth	...	Teacher.
	Bolye Chund Dutt	...	Presidency College.
	Bunku Behary Paul	...	Teacher.
	Buroda Gobind Sen	...	Berhampore College.
	Buroda Prosad Buxee	...	Ditto.
	Buroda Prosad Ghose	...	Queen's College, Benares.
	Butto Behary Banerjee	..	Presidency College.

30	Bykunto Nauth Doss	...	Dacca College.
	Cally Comar Doss	...	Presedency College.
	Cally Prosonno Bose	...	General Assembly's Institution.
	Choiton Kristo Naug	...	Calcutta Free Church Institution.
	Chunder Bhoosun Chuckerbutty	...	Kishnaghur College.
	Chunder Shekhor	...	Bareilly College.
	Comola Canto Sen	...	Presidency College.
	Comola Canto Sen	...	Teacher.
	Coonjo Behary Naug	...	Berhampore College.
	Deno Nauth Doss	...	Calcutta Free Church Institution.
40	Deno Nauth Dutt	...	General Assembly's Institution.
	Dhone Kristo Dey	...	Hooghly College.
	Dolall Chunder Dey	...	Dacca College.
	Doorga Churn Chatterjea	...	Teacher.
	Doorga Dose Mookerjea	...	Hooghly College.
	Doorga Narain Ghose	...	Calcutta Free Church Institution.
	Doorga Nauth Bagchee	...	Berhampore College
	Dwarka Nauth Bose	...	Dacca College.
	Dwarka Nauth Sircar	...	Teacher.
	Eshan Chunder Chuckerbutty	...	Dacca College.
50	Ferdinands, W. P.	...	Queen's College, Colombo.
	Fuckeer Chunder Sircar	...	Presidency College.
	Fuzlool Qudeer	...	Ditto.
	Fuzlur Rouff	...	General Assembly's Institution.
	Gobin Chunder Dutt	...	Presidency College.
	Gobindo Chunder Doss	...	Dacca College.
	Goolzar Behary	...	St. John's College, Agra.
	Grish Chunder Mozoomdar	...	General Assembly's Institution.
	Hera Loll Bagjee	...	Serampore College.
	Hit Kishore	...	Agra College.
60	Horee Churn Banerjea	...	Presidency College.
	Hur Narayana	...	Teacher.
	Hurro Nauth Bhuttacharjea	...	Presidency College.
	Hurry Churn Doss	...	Teacher.
	Hurry Churn Chuckerbutty	...	Dacca College.
	Jadub Chunder Goshwami	...	Presidency College.
	Jodoo Nauth Ghose	...	Teacher.
	Jodoo Nauth Chuckerbutty	...	General Assembly's Institution.
	Jodoo Nundun Sen	...	Berhampore College.
	Jogesh Chunder Dutt	...	Presidency College.
70	Jogesh Chunder Ghose	...	Ditto.
	Johori Lall Samonto	...	Calcutta Free Church Institution.
	Joy Gopal Chowdry	...	Presidency College.
	Juggodish Chunder Bose	...	Berhampore College.
	Juggut Chunder Banerjea	...	Presidency College.
	Kailasa Chunder Dutt	...	Sanscrit College.
	Kali Coomar Mitter	...	Teacher.
	Kally Dhone Chatterjea	...	Presidency College.
	Kally Kristo Chowdry	...	Ditto.
	Kedar Nauth Woopadhia	...	Calcutta Free Church Institution.
80	Khetter Chunder Ghose	...	Hooghly College.
	Khettro Mohun Sengupta	...	Sanscrit College.
	Kishory Mohun Roy	...	Presidency College.
	Koylash Chunder Banerjea	...	Patna College.
	Koylash Chunder Sen	...	Dacca College.
	Kristo Doss Banerjea	...	Serampore College.
	Kristo Kishore Dey	...	Presidency College.
	Lewis, G.	...	Lahore Mission School.
	Mohammed Wajed	...	General Assembly's Institution.
	Mohim Chunder Ghose	...	Kishnaghur College.
90	Mohim Chunder Joardar	...	Berhampore College.
	Mohima Chunder Mozoomdar	...	Kishnaghur College.
	Mohindro Chunder Mozoomdar	...	Berhampore College.
	Mohindro Lall Ghose	...	Hooghly College.
	Mokhoda Prosaud Ghose	...	Kishnaghur College.
	Mudun Mohun	...	Bareilly College.
	Nepaul Chunder Bose	...	Presidency College.
	Nil Comul Newgy	...	Dacca College.
	Nobin Chunder Banerjea	...	Patna College.
	Nobin Chunder Bose	...	General Assembly's Institution.
100	Nobin Chunder Mitter	...	Hooghly College.
	Nobin Chunder Mitter	...	Teacher.

	Nobin Chuder Sen	... Presidency College.
	Norendro Nauth Chowdhry	... Ditto.
	Okhoy Coomar Mullick	... Ditto.
	Omesh Chunder Chowdry	... Dacca College.
	Omesh Chunder Ghose	... Kishnaghur College.
	Oodoy Chunder Bose	... Presidency College.
	Opendro Chunder Deb	... Ditto.
	Opendro Lall Bose	... Ditto.
110	Opendro Nauth Ghose	... Queen's College, Benares.
	Parbutty Coomar Chand	... Dacca College.
	Pearai Lall Pundit	... Lahore College.
	Peary Mohun Bose	... Dacca College.
	Poorno Chunder Chuckerbutty	... Medical College.
	Poorno Chunder Lahiry	... Kishnaghur College.
	Prem Nauth Pundit	... Lahore Mission School.
	Preo Nauth Banerjee	... Kishnaghur College.
	Preo Nauth Mitter	... Calcutta Free Church Institution.
	Preo Nauth Mullick	... Presidency College.
120	Probhat Nauth Roy	... Dacca College.
	Promotho Nauth Doss	... General Assembly's Institution.
	Prosanro Coomar Chatterjea	.. Sanscrit College.
	Prosunno Coomar Bose	... Calcutta Free Church Institution.
	Prosunno Coomar Chand	... Dacca College.
	Prosunno Coomar Mitter	... Kishnaghur College.
	Purmeshree Doss	.. Bareilly College
	Radharomun Biswsa	... Presidency College.
	Raj Coomar Mookerjea	.. Dacca College.
	Raj Krishto Mookerjea	... Presidency College.
130	Raj Mohun Sircar	... Dacca College.
	Raj Narain Chuckerbutty	... Teacher.
	Rajendro Loll Goopto	... Hooghly College.
	Ramgoti Goopto	.. Calcutta Free Church Institution.
	Ram Jadub Tolapatro	... Berhampore College.
	Ram Jewan	... Teacher.
	Ram Jodoo Bhattacharjea	.. Ditto.
	Ram Loll Shanyal	... Cathedral Mission College.
	Ram Roop Ghose	... Queen's College, Benares.
	Ram Rutten Pattock	... Berhampore College.
140	Rhedoy Churn Bose	... Calcutta Free Church Institution.
	Roma Nauth Ghose	... Hooghly College.
	Rughoobuns Sahay	... Patna College.
	Sanjhi Mull	.. Lahore College.
	Saroda Prosad Chatterjea	... Hooghly College.
	Saroda Prosad Chatterjea	... Presidency College.
	Shaikh Muffizuddin	... Hooghly College.
	Shama Podo Chowdry	... Presidency College.
	Shib Doss Bhuttacharjea	... Serampore College.
	Shoshee Bhoosun Banerjea	... Dacca College.
150	Shoshee Bhoosun Bose, I.	... Hooghly College.
	Shoshee Bhoosun Chatterjea	... Presidency College.
	Shoshee Bhoosun Dutt	... Ditto.
	Shoshee Bhoosun Sircar	... Kishnaghur College.
	Shyama Churn Ghose	... Calcutta Free Church Institution.
	Sitta Nauth Bose	... Berhampore College.
	Sohun Lall	.. Delhi College.
	Soolukhun Mull	.. Lahore Mission School.
	Soondur Lall	.. Bareilly College.
	Soorjo Canto Mitter	... Cathedral Mission College.
160	Sree Nauth Doss	... Presidency College.
	Sree Nauth Goopta	... Dacca College.
	Sree Nauth Paul	.. Hooghly College.
	Sree Ram	... Delhi College.
	Sreesh Chunder Roy	... Berhampore College.
	Surrut Chunder Mozoomdar	.. Dacca College,
	Tara Pudo Banerjea	... Kishnaghur College.
	Tara Prosonno Ghose	... Calcutta Free Church Institution.
	Thackoor Doss Ruckhit	.. Teacher.
	Thakur Doss	.. Lahore Mission School.
170	Trigoono Prosaud Bose	... Berhampore College.
	Troylukha Nauth Mitter	... Calcutta Free Church Institution.
	Uttol Behary Ghose	... Cathedral Mission College.
	Wooma Prosaud Dey	.. Teacher.
174	Youndn, John	.. Presidency College.

The under-mentioned Students have passed the Entrance Examination :—

FIRST DIVISION.

In Alphabetical Order.

	Abdool Baqi	... Calcutta Mudrissa.
	Addy Nauth Chand	... Bangla Bazaar Aided School.
	Amrito Laul Ghose	... Konnugger School.
	Anund Nauth Mozoomdar	... Dacca Collegiate School.
	Aushootoss Rooder	... Colootollah Branch School.
	Ballock Kishen Bose	... Metropolitan Institution.
	Bama Churn Dutt	.. Mahanad Free Church Mission School.
	Bama Churn Naug	... Hindu School.
	Bankai Behary	... St. John's College, Agra.
10	Bepin Behary Sen	... Hooghly Branch School.
	Bepin Kristo Bose	... Metropolitan Institution.
	Bhagut Sing	... Guzrat Government School.
	Bhoobun Mohun Sen	... Pogose School.
	Cally Canto Chatterjea	... General Assembly's Institution.
	Cheda Lall	... Bareilly College.
	Chunder Mohun Chuckerbutty	... Berhampore Collegiate School.
	Chundy Churn Dutt	... Hindu School.
	D'Sullivan, E.	... St. Xavier's College.
	Debendro Nauth Ghose	... Calcutta Training Academy.
20	Doree Lall	... Bareilly College.
	Gokul Prashad	... Ditto.
	Golab Roy	.. Canning College, Lucknow.
	Golap Chundra Sircar	.. Sanscrit College.
	Gopal Chunder Ghosal	... Calcutta Free Church Institution.
	Gordhun	.. Ajmere School.
	Grija Bhoosun Mookerjea	... Patna Collegiate School.
	Hazari Lall	... Ajmere School.
	Hur Churn Chowdhry	... Chittagong School.
	Jeetendro Nauth Chatterjea	... Hooghly Branch School.
30	John Das	... Joy Narain's College.
	Juggodishur Goopto	... Kishnaghur Collegiate School.
	Khetter Mohun Sadhookhan	... Hooghly Collegiate School.
	Kishen Loll, II.	... Bareilly College.
	Lall Gopaul Sen	... Kishnaghur Anglo-Vernacular School.
	Lall Mohun Ghose	... Kishnaghur Collegiate School.
	Lally Mohun Ruckhit	... Hindu School.
	Mohummed Ali Reza Khan	... Saugor School.
	Money Mohun Banerjea	... Hooghly Collegiate School.
	Niaz Ahmed	... Bareilly College.
40	Nobo Coomar Mookerjee	... Ooterparah School.
	Nobo Kissen Banerjee	... Berhampore Collegiate School.
	Nundo Laul Seal	... Hooghly Collegiate School.
	Nundo Laul Sircar	... Juggutbullubpore School.
	Opendro Nauth Bose	.. Hindu School.
	Opendro Nauth Chatterjea	... Ditto.
	Opendro Nauth Gangooly	... Ooterparah School.
	Parbutty Churn Shamonto	... Howrah School.
	Preo Nauth Chatterjea	... Cuttack School.
	Preo Nauth Dutt	... General Assembly's Institution.
50	Prosonno Coomar Saniel	... Coomercolly School.
	Pudma Nana Ghosal	... Hooghly Collegiate School.
	Radha Nauth Roy	... Hindu School.
	Sharoda Churn Mitter	... Colootollah Branch School.
	Shib Chunder Bhuttacharjea	... Balasore School.
	Shiva Nauth Banerjea	... Queen's College, Benares.
	Shooresh Chunder Ghose	... Colootollah Branch School.
	Shreesh Chunder Chowdhry	... Ditto.
	Taij Paul	... Agra College.
59	Wootton, W. H.	... Doveton College.

SECOND DIVISON.

In Alphabetical Order.

Abdool Bary	... Garden Reach School.
Abdool Hye, Moulvie	... Teacher.
Abdoor Ruheem	... Kishnaghur Anglo-Vernacular School.
Abid Hossein	... Patna Collegiate School.

	Ajodhya Proshad	Queen's College, Benares.
	Anund Chunder Banerjea	Dacca Collegiate School.
	Anund Chunder Chatterjea	Baraset School.
	Anund Nauth Sen	Pogose School.
	Aubinash Chunder Chatterjea	Chinsurah Free Church Institution.
10	Aubinash Chunder Mookerjea	Hooghly Branch School.
	Aughore Chunder Chatterjea	Metropolitan Institution.
	Aughore Nauth Mookerjea	Ooterparah School.
	Aughore Nauth Mookerjea	Jonye Training School.
	Aughore Nauth Sen	Chinsurah Free Church Institution.
	Aukhoy Coomar Bose	Tagoria School.
	Aukhoy Coomar Chatterjea	Bogra School.
	Aukhoy Coomar Dutt	Hindu School.
	Aukhoy Coomar Mitter	Queen's College, Benares.
	Aukhoy Coomar Shaha	Calcutta Free Church Institution.
20	Aushiny Coomar Banerjea	General Assembly's Institution.
	Aushiny Coomar Gooho	Burrisaul School.
	Autol Behary Bysack	Khajah Abdool Gunny's School.
	Bacharam Banerjea	Barrackpore School.
	Bal Mokoond	Loodiana Mission School.
	Bala Krishna	Queen's College, Benares.
	Bama Churn Chatterjea	Colootollah Branch School.
	Bama Churn Roy	Cutwa School.
	Bama Churn Sen	Bauleah School.
	Baney Madub Banerjea	Burdwan Moharaja's School.
30	Baney Madub Banerjea	Cuttack School.
	Baney Madub Bose	Myapore School.
	Baney Madub Bose	Hindu School.
	Baney Madub Bysack	Calcutta College.
	Baney Madub Sircar	Bauleah School.
	Barlow, A.	St. Xavier's College.
	Behary Lall	Ajmere School.
	Behary Lall Gangooly	Oriental Seminary.
	Behary Lall Goopto	Calcutta Training Academy.
	Bejoy Coomar Chuckerbutty	General Assembly's Institution.
40	Benjamin Brojo Mohun Sircar	Burdwan C. M. S. Institution.
	Benode Behary Benerjea	Baraset School.
	Benode Behary Bose	Cathedral Mission College.
	Benode Lall Banerjea	Hindu School.
	Benoy Kishna Dutt	Cathedral Mission College.
	Bepin Behary Dutt	Metropolitan Institution.
	Bepin Behary Mookerjea	Barrackpore School.
	Bepin Behary Mullick	Private Student.
	Bhaddra Nauth Shookul	Kishnaghur Collegiate School.
	Bhobany Coomar Sen	Calcutta College.
50	Bhola Nauth	St. Stephen's College, Delhi.
	Bhola Nauth Banerjea	Colootollah Branch School.
	Bhoobuneshur Dhaw	Calcutta Training Academy.
	Bhoobun Mohun Banerjea	Ooterparah School.
	Bhoobun Mohun Gangooly	Bullagur School.
	Bhoopendro Nauth Dey	Hooghly Collegiate School.
	Bhooth Nauth Mookerjea	Behala School.
	Bidhoo Bhoosun Biswas	Kishnaghur Collegiate School.
	Binode Lall Chatterjea	Teacher.
	Birch, T. E.	Ditto.
60	Birj Kishore	Sarun School.
	Bishen Sing	Umritsur School.
	Bishtoo Chunder Chatterjea	Bagnaparah School.
	Bonomally Chatterjea	South Baharoo School.
	Brindabun Chunder Ghose	Colootollah Branch School.
	Brindershwari Prasad	Joy Narain's College, Benares.
	Brojo Loll Mookerjea	Kandee School.
	Brojo Loll Mookerjea	Kishnughur Anglo Vernacular School.
	Brojo Nauth Roy	Colootollah Branch School.
	Brojo Sham Mozoomdar	Canning Academy.
70	Brojo Soonder Mitter	Kandee School.
	Buldeo Prasad	Bareilly College.
	Bulloram Dey	Metropolitan Institution.
	Bungshee Dhur Goopto	Sarun School.
	Bunko Behary Bose	Noral School.
	Burroda Canto Bose	Private Student.
	Bussunto Coomar Bose	Dacca Collegiate School.
	Cally Comul Sandial	Bograh School.
	Cally Coomar Banerjea	Patna Collegiate School.
	Cally Dass Goon	Dacca Collegiate School.

80	Cally Nauth Chatterjea	...	Hooghly Branch School.
	Cally Nauth Dass	...	Andool School.
	Cally Nauth Gooho	..	Pogose School.
	Cally Podo Banerjea	...	Cuttack School.
	Cally Podo Banerjea	...	Berhampore Collegiate School.
	Cally Podo Chatterjea	..	Dushghura School.
	Cally Podo Chowdry	...	Hindu School.
	Cally Prosonno Ghosal	...	Agurparah School.
	Cally Prosonno Ghose	..	Colootollah Branch School.
	Cally Prosonno Sen	...	Agurparah School.
90	Cally Ram Burooah	...	Cathedral Mission College.
	Charles, D. F.	...	St. Thomas' College, Colombo.
	Charoo Chunder Bose	...	Berhampore Collegiate School.
	Chitty, J. T. C.	...	Queen's College, Colombo.
	Choitunno Prosad Burat	...	Sarun School.
	Chooney Loll Chowdhry	...	Beerbhoom School.
	Chunder Bhoosun Dutt	..	Colootollah Branch School.
	Chunder Bhoosun Mookerjea	...	Kishnaghur Anglo-Vernacular School.
	Chunder Coomar Banerjea	...	Bishop Wilson's School, Chuttra.
	Chunder Coomar Chowdhry	...	Jonye Training School.
100	Chunder Coomar Ghose	..	Jessore School.
	Chunder Coomar Sen	...	Burrisaul School.
	Chunder Mohun Chuckerbutty	..	Pogose School.
	Chunder Mohun Mitter	...	Midnapore School.
	Chunder Mohun Mookerjee	...	Calcutta Free Church Institution.
	Chunder Mohun Mozoomdar	..	Pubna School.
	Chunder Nauth Chowdhry	...	Bauleah School.
	Chunder Nauth Shaha	...	Barrackpore School.
	Chunder Nauth Toapdar	...	Dacca Normal School.
	Chundoo Lall	...	Delhi Collegiate School.
110	Comul Narain Chuckerbutty	..	Mymensing School.
	Cones, G. A.	...	St. Xavier's College.
	Constantine, A.	..	Ditto.
	Corbet, E.	..	Ditto.
	Cossi Chunder Mozoomdar	...	Mymensing School.
	Cossi Chunder Sircar	..	Burrisaul School.
	Cossi Canto Naug	...	Dacca Collegiate School.
	Cossipotee Chowdhry	...	Jonye Training School.
	Dabee Pershad	...	St. Stephen's College, Delhi.
	Dassrotee Banerjee	...	Bullagur School.
120	Debendro Nauth Nundy	...	Hindu School.
	Deno Nauth Missry	..	Coomercolly School.
	Deno Nauth Mitter	...	Colootollah Branch School.
	Deo Pershad	...	Agra College.
	Dhurendro Nauth Chatterjea	...	Hindu School.
	Digambur Sen	...	Pubna School.
	Doorga Doss Bhuttacharjea	...	Kishnaghur Collegiate School.
	Doorga Prosonno Missere	...	Hooghly Branch School.
	Dornhurst, F.	...	Queen's College, Colombo.
	Doyal Chunder Banerjea	...	Jonye Training School.
130	Ducklina Churn Roy	...	Dacca Collegiate School.
	Dwarka Nauth Bysack	...	Colootollah Branch School.
	Dwarka Nauth Goopto	...	Commillah School.
	Dwarka Nauth Mookerjea	...	Bhaugulpore School.
	Dwarka Nauth Roy	..	Useful Arts School.
	Dwarka Pershad	...	Hume's High School, Etawah.
	Ellis, J. H.	..	La Martiniere College.
	Eshan Chunder Dutt	..	General Assembly's Institution.
	Eshan Chunder Mullick	...	Calcutta Free Church Institution.
	Etisad Hossein	...	Calcutta Mudrissa.
140	Fay-yazuddeen	...	Ditto.
	Fuzlur Rusheed	...	Burrisaul School.
	Gan Chunder Surma	...	Colootollah Branch School.
	Gasper, A. M.	...	Doveton College.
	Gobind Chunder Chatterjea	...	Noacolly School.
	Gocul Chand	..	Hume's High School, Etawah.
	Gomes, W. A.	...	St. Xavier's College.
	Gopaul Chunder Ghose	...	Ooterparh School.
	Gopaul Chunder Seal	...	Chinsurah Free Church Institution.
	Gopaul Doss Nundy	...	Calcutta Free Church Institution.
150	Gopaul Kristo Bagchee	...	Berhampore Collegiate School.
	Gopaul Kristo Mullick	...	Chinsurah Free Church Institution.
	Gossye Doss Dey	...	Colootollah Branch School.
	Gour Churn Dey	...	Pogose School.
	Grish Chunder Banerjea	...	Cutwa School.

	Grish Chunder Bose	... South Baharoo School.
	Grish Chunder Bose	... Baliati Aided School.
	Grish Chunder Bose	... Canning College, Lucknow.
	Grish Chunder Dey	... L. M. S. Institution, Bhowanipore.
	Gudda Dhur Shukul	... Saugor School.
160	Gunga Pershad	.. Ajmere School.
	Gungadhur Banerjea	.. Sulkea School.
	Hand, J. R.	... Berhampore Collegiate School.
	Hanoman Pershaud	.. Canning College, Lucknow.
	Haradhone Sircar	.. Serampore College.
	Harakh Chand	... Joy Narain's College, Benares.
	Haran Chunder Mitter	... Jonye Training School.
	Heera Loll Bose	... Konnugger School.
	Heera Loll Coondoo	.. Bishop Wilson's School, Chattra.
	Hem Chunder Banerjea	... Jonye Training School.
170	Hem Chunder Bose	... Colootollah Branch School.
	Hem Nauth Bose	... Calcutta Free Church Institution.
	Hemunto Loll Mundle	... Serampore Aided School.
	Hensman, A.	... Queen's College Colombo.
	Horsho Nauth Gangooly	... Hooghly Branch School.
	Hur Coomar Roy	... Chittagong School.
	Hur Doyal Gooho	... Tagoria School.
	Hurrish Chunder Banerjea	... Beerbhoom School.
	Hurrish Chunder Mitter	... Hooghly Branch School.
	Hurrish Chunder Sen	... Noral School.
180	Hurro Kally Mitter	... Boroe School.
	Hurry Churn Sen	... Pogose School.
	Hurry Mohun Banerjea	... Hooghly Collegiate School.
	Hurry Mohun Dutt	... Tagoria School.
	Hurry Nauth Paulit	... Ilsoba Mondlye School.
	Hurry Nauth Roy	... Berhampore Collegiate School.
	Hurry Nauth Sen	... L. M. S. Institution, Bhowanipore.
	Hurry Ram	... Loodiana Mission School.
	Isher Chunder Doss	... Pogose School.
	Isher Chunder Roy	.. Beerbhoom School.
190	Jankee Doss	.. Delhi Collegiate School.
	Janoky Nauth Dutt	... Noral School.
	Jansz, J. H.	... Queen's College, Colombo.
	Jodoo Nauth Banerjea	... Barrackpore School.
	Jodoo Nauth Dey	.. Colootollah Branch School.
	Jodoo Nauth Dey	... Kishnagur Collegiate School.
	Jodoo Nauth Ghose	... Calcutta Training Academy.
	Jodoo Nauth Moitry	.. Colootollah Branch School.
	Jodoo Nauth Sahoy	... Patna Collegiate School.
	Jodoo Nauth Sircar	... Baraset School.
200	Jodoo Potee Banerjee	... Ilsoba Mondlye School.
	Jogendro Nauth Banerjea	... Sanscrit College.
	Jogendro Nauth Chowdry	... Jonye Training School.
	Jogendro Nauth Ghose	... Santipore E. School.
	Jogendro Narain Goopto	... Beerbhoom School.
	Jogendro Narain Roy	.. Kishnaghur Collegiate School.
	Jogendro Narain Seal	... Dacca Collegiate School.
	Jogesh Chunder Banerjee	.. Hoogbly Collegiate School.
	Jogesh Chunder Chatterjea	... Bhaugulpore School.
	Jogesh Chunder Dey	... Metropolitan Institution.
210	Jogessur Sen	.. Colootollah Branch School.
	Johory Lall Chowdhry	.. Beerbhoom School.
	Jonardon Shaw	... Colootollah Branch School.
	Joogul Kishore	... Bareilly College.
	Joshoda Nundun Pramanick	... Santipore E. School.
	Joy Kishun	... Lahore Mission School.
	Juggut Bundhoo Naug	... Khajah Abdool Gnnny's School.
	Juggut Chunder Dutt	... Chittagong School.
	Juggut Lall Bysack	.. Calcutta Training Academy.
	Kally Krishna Roy	... Seal's College.
220	Kaminy Coomar Ghose	... Khajah Abdool Gunny's School.
	Kanti Chunder Banerjea	... Barrackpore School.
	Kanti Chunder Banerjea	.. Bullagur School.
	Kanye Laul Chunder	... Colootollah Branch School.
	Kanye Laul Doss	... Calcutta Free Church Institution.
	Kanye Laul Mookerjea.	... Calcutta College.
	Kanye Laul Sen	... Colootollah Branch School.
	Kasheswar Mookerjea	... Cathedral Mission College.
	Kedar Nauth Banerjea	.. Hindu School.
	Kader Nauth Chatterjea	Howrah School.

230	Kedar Nauth Mookerjea	...	Serampore College.
	Kedar Nauth Panday	...	Berhampore Collegiate School.
	Keshub Laul Sanyal.	...	Furreedpore School.
	Kherode Nauth Sing	...	Beersingha A. S. School.
	Khetter Churn Chuckerbutty	...	Baraset School
	Khetter Mohun Mitter	...	Burdwan Moharaja's School.
	Khetter Mohun Mookerjea	...	Konnugger School.
	Khetter Paul Dutt	...	Colootollah Branch School.
	Khodabux Shaikh	...	Umritsur School.
	Khoodiram Acharjea	...	Culna Free Church Branch School.
240	Kirty Chunder Chatterjea	...	Calcutta Training Institution.
	Kirty Chunder Chatterjea	...	Bhagulpore School.
	Kishen Loll I.	...	Bareilly College.
	Koonjo Behar Chatterjea	..	Goburdangah School.
	Koonjo Behay Dey	...	Calcutta Free Church Institution.
	Koonjo Behary Nundy	...	Beerbhoom School.
	Koylas Chunder Chuckerbutty	...	Howrah School.
	Koylas Chunder Ghose	...	Chinsurah Free Church Institution.
	Koylas Chunder Paul	...	Khajah Abdool Gunny's School.
	Kristo Coomar Sen	...	Pogose School.
250	Kristo Doss Law	...	Hindu School.
	Kristo Gopul Banerjea	...	Hooghly Branch School.
	Kristo Laul Bysack	..	Colootollah Branch School,
	Kunhia Lall	...	Umritsur School
	Kunhia Lall	..	Bareilly College·
	Lall Behary Bysack	..	Hindu School.
	Lall Behary Gangooly	..	Ooterparah School.
	Latoo Laul Mullick	...	Hindu School.
	Luchmee Narain	...	Hume's High School, Etawah.
	Luchmun Doss	..	Delhi Collegiate School.
260	Lukhy Narain Missry	...	L. M. S. Institution, Bhowanipore.
	Lukhy Narain Mullick	...	Calcutta Collegiate School.
	Luffman, W. C.	..	La Martiniere College.
	McIntyre, C. A.	..	Bengal Academy.
	Mackertoon, A. G.	...	Doveton College.
	Makun Loll Gooyn	..	Hooghly Collegiate School.
	Makun Lall Mudduck	..	Hooghly Branch School.
	Marshall, C. J. A.	...	Queen's College, Colombo.
	Mirza Mahmood Beg	..	Canning College, Lucknow.
	Modhoo Soodun Bhucto	...	Santipore E. School.
270	Modhoo Soodun Sing	...	Nizamut School.
	Modhoo Soodun Sing	...	Kandee School.
	Mohendro Chunder Bhuttacharjea	...	Ilsoba Mondlye School.
	Mohendro Chunder Chatterjea	...	Beerbhoom School.
	Mohendro Chunder Mozoomdar	..	Mymensing School.
	Mohendro Chunder Paulit	...	General Assembly's Institution.
	Mohendro Loll Sadhoo	...	Chinsurah Free Church Institution.
	Mohendro Nauth Chatterjea	..	Metropolitan Institution.
	Mohendro Nauth Dey	..	Calcutta Training Academy.
	Mohendro Nauth Doss	..	Hindu School.
280	Mohendro Nauth Doss	...	Howrah School.
	Mohendro Nauth Dutt	...	Calcutta Free Church Institution.
	Mohendro Nauth Roy	...	Calcutta College.
	Mohun Loll	...	Bareilly College.
	Moorlee Dhur	...	St. John's College, Agra.
	Mudden Mohun Mundle	..	Serampore College.
	Murray, C. M.	...	La Martiniere College.
	Muthoo Loll	...	Delhi Collegiate School.
	Mutty Laul Mookerjea	...	Hooghly Collegiate School.
	Mutty Laul Mookerjea	..	Bullagur School.
290	Muzaffer Ally	...	Jullundur Mission School.
	Nasir Ally	...	Delhi Collegiate School.
	Nasir-Ooddeen	...	Calcutta Free Church Institution.
	Nedhoo Laul Haldar	...	Hindu School.
	Nemy Churn Mookerjea	...	Paikparah School.
	Netye Chand Bose	...	Hindu School.
	Netye Gobindo Chowdhry	...	Seal's College.
	Nilruttun Banerjea	...	Hooghly Collegiate School.
	Nilruttun Mitter	...	Hindu School.
	Nobin Chunder Banerjea	...	Beerbhoom School.
300	Nobin Chunder Chowdhry	...	Colootollah Branch School.
	Nobin Chunder Nath	...	Berhampore Collegiate School.
	Nobin Chunder Sandyal.	...	Agra College.
	Nobodip Chunder Dey	...	Berhampore Collegiate School
	Nogendro Chunder Mozoomdar	...	Bauleah School.

	Nogendro Kristo Ghose	Cathedral Mission College.
	Nogendro Nauth Ghose	Colootollah Branch School.
	Nolin Behary Ghose (Senior)	Beerbhoom School.
	Nolin Behary Ghose (Junior)	Ditto.
	Nolinee Nauth Mitter	Hooghly Collegiate School.
310	Noro Narain Ghose	Midnapore School.
	Noro Sing Dutt	Howrah School.
	Nund Coomar Dey	Chittagong School.
	Nund Kishore	Delhi Collegiate School.
	Obhoya Churn De	Jessore School.
	Obhoya Churn Dutt	Bansbaria Mission School.
	Omesh Chunder Banerjea	Chinsurah Free Church Institution.
	Omesh Chunder Mookerjea	Hooghly Collegiate School.
	Omesh Chunder Mundle	Ditto.
	Omirto Laul Banerjea	Jonye Training School.
320	Omirto Laul Ghose	Calcutta Training Academy.
	Opendro Chunder Nundy	Hindu School.
	Opendro Nauth Chunder	Colootollah Branch School.
	Opendro Nauth Mitter	Ditto.
	Oroon Chunder Gangooly	Kishnaghur Collegiate School.
	Otool Chunder Mookerjea	Bullutee School.
	Otool Krishna Ghose	Colootollah Branch School.
	Panch Cowry Bysack	Cathedral Mission College.
	Peary Laul Dutt	Serampore College.
	Peary Mohun Chowdry	Chittagong School.
330	Peary Mohun Raha	Bogra School.
	Poorno Chunder Banerjea	Gournagore School.
	Poorno Chunder Bhuttacharjea	Santipore E. School.
	Poorno Chunder Mitter	Hooghly Branch School.
	Poorno Chunder Sing	Burdwan Maharaja's School.
	Poyrag Loll Panday	Ditto.
	Pran Gopaul Mookerjea	Chinsurah Free Church Institution.
	Pran Kristo Seal	Colootollah Branch School.
	Pran Nauth Pundit	Canning College, Lucknow.
	Preo Nauth Chuckerbutty	Serampore College.
340	Preo Nauth Dutt	Burdwan Maharaja's School.
	Preo Nauth Ghose	Barripore School.
	Preo Nauth Roy	Colootollah Branch School.
	Probodh Chunder Mullick	Hindu School.
	Promotho Nauth Mookerjee	Kishnaghur Collegiate School.
	Promotho Nauth Roy	Hindu School.
	Prosonno Coomar Ghose	Jessore School.
	Punchanun Biswas	Hindu School.
	Punchanun Chatterjea	Burdwan Maharaja's School.
	Rabutty Chunder Banerjee	Kallypara School.
350	Radha Churn Sen	Berhampore Collegiate School.
	Radhamoy Ghose	Colootollah Branch School.
	Radha Nauth Roy	Ditto Ditto.
	Radha Sham Kor	Cuttack School.
	Radhica Prosad Bose	General Assembly's Institution.
	Raj Coomar Mookerjea	Howrah School.
	Raj Mohun Roy	Nizamut School.
	Rajendro Nauth Dutt	Colootollah Branch School.
	Rakhal Chunder Doss	Berhampore Collegiate School.
	Rakhal Chunder Ghose	Behalla School.
360	Rakhal Doss Dutt	Calcutta Free Church Institntion.
	Rakhal Doss Mozoomdar	Hindu School.
	Rakhal Doss Sen	Ditto.
	Ram Chundra	Ajmere School.
	Ram Chunder Ghose	Khajah Abdool Gunny's School.
	Ram Churn Dey	Ilsoba Mondlye School.
	Ramdin Bhuttacharjea	Private Student.
	Ram Doss Bromho	Kishnaghur Collegiate School.
	Ramessur Ghose	Hooghly Collegiate School.
	Ram Gopal Bural	Burdwan Moharaja's School.
370	Ram Gotee Mookerjee	Okershan School.
	Ram Kanye Tolapatro	Bauleah School.
	Ram Lall Chowdry	Paikparah School.
	Ram Lall Mookerjee	Kandee School.
	Ram Lall Paul	Ranaghat School.
	Ram Narain Banerjee	Ooterparah School.
	Ram Nauth Bhattachrjee	Bullagur School.
	Robinson, H.	Lahore College.
	Rôjoni Kanto Banerjee	Mymensing School.
	Rojoni Canto Chowdhry	Pogose School.

380	Rojoni Canto Gangooly	...	L. M. S. Institution Bhowanipore.
	Rojoni Canto Ghose	...	Cathedral Mission College.
	Rojoni Canto Ghose	...	Pogose School.
	Rojoni Canto Sanial	...	Kandee School.
	Roma Nauth Dey	...	Saugor School.
	Romun Kristo Ghose	...	Chinsurah Free Church Institution.
	Rullia Ram	..	Christ's College, Umritsur.
	Russick Chunder Bose	...	Burrisaul School.
	Russomoy Dutt	...	General Assembly's Institution.
	Sandhi	...	Christ's College, Umritsur.
390	Savi, J.	...	St. Xaviers College.
	Senanayeke, J. G.	...	Queen's College, Colombo.
	Sham Lall	...	Agra College.
	Sham Soonder Aich	...	Mymensing School.
	Shama Churn Dey	...	Chinsurah Free Church Institution.
	Shama Churn Moitro	...	Kishnaghur Anglo Vernacular School.
	Shama Churn Sandel	...	Howrah School.
	Sharman, L T.	...	St. John's College, Agra.
	Sharoda Prosad Dass	...	Howrah School.
	Sheo Dial	...	Delhi Collegiate School.
400	Sheo Nauth	...	Ditto.
	Sheo Narain Pundit	...	Canning College, Lucknow.
	Sheo Narain Pundit	...	Private Student.
	Shetul Chunder Chatterjee	...	Kishnaghur Anglo-Vernacular School.
	Shib Chunder Bhnnjo	...	Boroe School.
	Shitta Nauth Goshwani	...	Santipore E. School.
	Shitta Nauth Mookerjee	...	Jessore School.
	Shoshee Bhoosun Bhadoory	..	Cossipore School.
	Shoshee Bhoosun Ghosaul	..	Ilsoba Mondlye School.
	Shoshee Bhoosun Sen	..	Pogose School.
410	Shoshee Shekhur Moitro	..	Berhampore Collegiate School.
	Shoshodhur Roy Chowdhry	...	Jessore School.
	Shumbhoo Narain Singh	...	Sylhet Mission School.
	Shyama Churn Banerjee	...	Queen's College, Benares.
	Siddessur Banerjea	...	Hooghly Collegiate School.
	Soodam Churn Patnaik	..	Balasore School.
	Soorendro Nauth Mitter	...	Hindu School.
	Sooresh Chunder Dutt	...	Ditto.
	Sooresh Chunder Ghose	...	Oriental Seminary.
	Sooresh Chunder Sen	...	Calcutta Free Church Institution.
420	Sreedam Chunder Seal	...	Colootollah Branch School.
	Sree Nauth Chuckerbutty	...	Coomercolly School.
	Sreeram Gangooly	...	Kishnaghur Collegiate School.
	Sreeram Mozoomdar	...	Bauleah School.
	Surrut Chunder Chatterjee	...	Konnugger School.
	Surrut Chunder Roy	...	Berhampore Collegiate School.
	Surrut Chunder Roy	...	Colootollah Branch School.
	Surrut Coomar Sen	...	Kishnaghur Collegiate School.
	Syed Ahmed	...	Colingah Branch School.
	Tacoor Doss Chowdry	...	Howrah School.
430	Tara Nauth Bose	...	Dacca Collegiate School.
	Tariny Churn Bose	...	Kishnaghur Collegiate School.
	Tariny Loll Chowdry	...	Beerbhoom School.
	Taruck Chunder Mozoomdar	...	Commillah School.
	Thomas, A.	...	Doveton College.
	Tin Cowry Buxy	...	Burdwan C. M. S. Institution.
	Umbica Churn Naug	...	Tumlook School.
	Umbica Churn Sen	...	Noral School.
	Umbica Churn Sircar	...	Ditto.
	Ummed Rae	...	Christ Church School, Cawnpore.
440	Unnoda Prosad Banerjea	...	Chinsurah Free Church Institution.
	Unnoda Prosad Bose	...	Burdwan C. M. S. Institution.
	Unnoda Prosad Chowdhry	...	Berhampoor Collegiate School.
	Unnoda Prosad Mookerjea	...	Chinsurah Free Church Institution.
	Ward, W. G.	...	Doveton College.
	Wazeer Sing	...	Delhi College.
	Wickvemaratne, E. B.	...	Queen's College, Colombo.
	Wijeyesakere, H. D. S.	...	Ditto.
	Wooma Churn Ker	...	Hooghly Collegiate School.
	Wooma Churn Mookerjea	..	Queen's College, Benares.
	Woordhub Chunder Sen	..	Colootollah Branch School.
451	Zaheer-ood-deen	...	Colingah Branch School.

CALCUTTA UNIVERSITY,
The 30th December 1865.

J. SUTCLIFFE, M. A.,
Registrar.

ADVERTISEMENTS.

DEPARTMENT OF ISSUE OF PAPER CURRENCY, CALCUTTA MINT.

The following Currency Notes are this day available for coin at this Office :—

These Notes are payable on presentation at the Offices of the Deputy Commissioners of Paper Currency where they have been issued.

To avoid delay, parties should not apply under sealed letters to the Head Commissioner, but personally with coin.

Lahore Circle Notes for Rs.		3,39,660
Nagpore	,,	12,330

(Signed) H. HYDE,

Head Commissioner.

30*th December* 1865.

NOTICE.

Notice is hereby given that the Transfer Books of the Bank will be closed from the 2nd to the 15th January 1866, both days inclusive.

By order of the Directors,

G. DICKSON,

Secretary and Treasurer.

BANK OF BENGAL,
CALCUTTA ;
The 30*th December* 1865.

NOTICE.

Lost in Transit the Halves of the under-mentioned Currency Notes, viz :—

Left Half No. $\frac{A}{7}$52597 } Dated Calcutta, 9th July
Ditto ditto 54799 } 1861, each for Rs. 10.

Ditto ditto $\frac{A}{17}$45522, dated Calcutta, 7th May 1862 (Nagpore Circle), for Rs. 10.

R. CLARKSON.

NOTICE.

Lost portions of a 4 per cent. Government Promissory Note No. 10305, of 30th June 1854, for Rs. 600, torn into pieces by an infant child while it was laid in the sunshine.

GOLAP MONEY DOSSEE.

NOTICE.

LOST OR STOLEN.

The under-mentioned Government five per cent. Promissory Notes of 1856-57 :—

Parties are hereby cautioned from purchasing or negotiating either a five per cent. Government Promissory Note No. 12124 of 43832 for Rs. (5,000), Five thousand Rs , or a ditto ditto No. 12125 of 43832 for Rs. (5,000), Five thousand Rs.

ROY PURSOTUM DOSS.

پرسوتم داس

BENARES,
The 1*st January* 1866.

GOVERNMENT TELEGRAPH DEPARTMENT NOTICE.

The following revised Rules, for the transmission of messages on the Lines of this Department, will come into operation on the 15th January 1866 :—

1. In assimilation to the practice in force on European Lines, messages will be charged for by groups and half groups. A group will consist of 20 words, and half a group of any number not exceeding 10.

2. A message, however short and not exceeding 20 words, will be charged for as one group. Above 20 words and not exceeding 30 as a group and a half. Above 30 words and not exceeding 40 as two groups, and so on.

3. With the exception of the prefixes "From" and "To," and the name of the *Station from* which despatched, *every word* in the address and body of the message will be charged for.

4. The number of groups being ascertained, the cost of the message will be calculated according to the following scale :—

Scale of charges for a group of 20 *words.*

		Rs.	A.	P.	
Not exceeding	100 Miles	0	8	0	In addition to a Booking Fee of 8 annas on each message.
Above 100 and not exceeding	200 ,,	1	0	0	
,, 200 ,, ,, ...	400 ,,	1	8	0	
,, 400 ,, ,, ...	800 ,,	2	0	0	
,, 800 ,, ,, ...	1,000 ,,	3	0	0	
,, 1,200 ,, ,, ...	1,600 ,,	4	0	0	
,, 1,400 ,, ,, ...	2,000 ,,	5	0	0	

and so on, adding one Rupee for every 400 miles or fraction of every 400 miles. Half the above rates will be charged for every 10 words or fraction of 10 words.

5. The distances between stations measured on the shortest route by which it is possible to telegraph by a Government wire will be found in the Tariff Book, which may be obtained at any Government Telegraph Office, Price Three Rupees per copy.

6. Peon hire has been abolished, and in lieu thereof a fixed Booking Fee of 8 annas is to be levied on every message irrespective of its length or the distance it has to travel. This fee is to cover the expense of registering the message at the Booking Station, and of the Peon who delivers it. Should a message be sent partly by the Government and partly by Private Lines, the Booking Fee will be paid *once only* for each system of Lines.

7. Peons will deliver messages *free* to any place not exceeding five miles from the Telegraph Office. Beyond this distance messages will be sent either by Post registered, or by such other means as the sender may arrange and *pre-pay for* at the Booking Station. Any additional words that may be necessary to explain the mode of delivery of a message when its destination is more than five miles beyond the nearest Telegraph Office, will be considered as part of the message and charged for accordingly.

8. Two Rupees, in *addition to the above scale,* will be charged for every group of 20 words sent to or from any station in Ceylon, and a half rate, viz., 1 Rupee, for every additional 10 or fraction of 10 words in excess of 20.

9. These Rates do not apply to Indo-European messages which, for the present, will remain unaltered.

D. G. ROBINSON, *Lieut. Col.*, R. E.,
Director General of Telegraphs in India.

POSTAL NOTICE.

Under an additional Postal Convention concluded between Great Britain and Belgium, Books and Patterns can be sent through Great Britain to Belgium under the following Regulations :—

" In future, under the term " Book Packets" may be forwarded not only stitched or bound books, pamphlets, and sheets of music, but also printed proof sheets, with ordinary corrections in writing, and manuscripts attached to such proofs, and having reference to them, as well as legal and other documents in manuscript; photographs and drawings (so long as those articles are not in glass or placed under glass); prints or maps, printed, engraved, or lithographed, and whether in paper, parchment, or vellum; but no letter, or communication of the nature of a letter, must be forwarded in such packets, or in or upon their covers."

" Further, all legitimate binding, mounting, or covering of a book, publication, &c., or of a portion thereof, will be allowed, whether such binding, &c., be loose or attached; as also rollers in the case of prints or maps; markers (whether of paper or otherwise) in the case of books; and, in short, whatever is necessary for the safe transmission of literary or artistic matter, or usually appertains thereto.

" Patterns or Samples of Merchandize may also, in future, be sent to Belgium at the same rates of postage as Book Packets, and subject to the following Regulations :—

" 1*st*.—The Patterns or Samples must not be of intrinsic value. This Rule excludes all articles of a saleable nature, and, indeed, whatever may have a value of its own, apart from its mere use as a Pattern or Sample; and the quantity of any material sent ostensibly as a Pattern or Sample must not be so great that it can fairly be considered as having on this ground an intrinsic value.

" 2*nd*.—There must be no writing or printing, in addition to the address of the person for whom the packet is intended, and the address of the sender other than a trade mark and numbers and the prices of the articles; and these particulars must, in all cases, be given, not on loose pieces of paper, but on small labels attached to the Samples, or the bags containing them.

" 3*rd*.—The Patterns or Samples must be sent in covers open at the ends, so as to be easy of examination. Samples, however, of seeds, drugs, and so forth, which cannot be sent in open covers, may be enclosed in bags of linen or other material tied at the neck; or the bags may be entirely closed, provided that they be transparent, so that the Officers of the Post Office may be able to satisfy themselves as to the nature of the contents.

" 4*th*.—No article likely to injure the contents of the mail bags, or the person of any Officer of the Post Office, may be sent through the Post as a Pattern.

" If either of the foregoing Rules be infringed, the packets must not be forwarded."

H. B. RIDDELL,
Director General of the Post Office of India.

CAMP NAGPORE,
The 30th December 1865.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned :—

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No. 1.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JANUARY 6, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of Fort St. George.

Cinchona Operations in the Neilgherries.

Report on the Number and Condition of Cinchona Plants on the Neilgherries on the 31st October 1865.

Species.	Botanical Names.	Commercial Names.	No. of Plants.	Value per lb. of Dry Bark in the London Market.	REMARKS.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark	2,19,054	2 6 to 8 9	The number of plants planted out in the plantations remain the same as in last month, namely, 2,44,871.
2	C. Calisaya ... Var Frutex „ Vera ..	Yellow Bark	3,156	2 10 to 7 0	
3	C. Officinalis Var Condamenia (C. Uritusinga)	Original Loxa Bark.	8,489	2 10 to 7 0	The increase by propagation is 78,715, being 37,501 above the average of the last six months, making the total number of plants 8,53,550.
4	Ditto Var Bonplandiana (C. Chahuarguera)	Select Crown Bark	5,59,081	2 10 to 7 0	
5	C. Crespilla ...	Fine Crown Bark ..	3,649	2 10 to 6 0	
6	C. Lancifolia ...	Pitayo Bark ...	128	1 8 to 2 10	
7	C. Nitida ...	Genuine Grey Bark	2,786	1 8 to 2 9	
8	C. Species without name ...	Fine Grey Bark ...	8,500	1 8 to 2 10	
9	C. Micrantha ...	Grey Bark	11,893	1 8 to 2 9	
10	C. Peruviana	Finest Grey Bark .	3,389	1 8 to 2 10	
11	C. Pahudiana ...	Unknown	125	Unknown.	
		Total number of plants ..	8,53,550		

TABLE II.

Memorandum of the growth of eleven Plants of C. Succirubra, planted on the 2nd Denison Plantation at Neddivuttum, on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 30th Sept. 1865.	Height in inches on the 31st Oct. 1865.	Growth in inches during Oct. 1865.	By whom planted.
1	23	125½	129	3½	His Excellency Sir W. Denison.
2	16½	111½	114	2½	
3	19	114½	114½	0	
4	15	105¾	109	3¼	
5	27	126½	132	5½	
6	20	102	106½	4½	
7	20	114½	118	3½	J. W. Brooks, Esq.
8	18	121	123	2	Dr. Sanderson.
9	20	121½	127	5½	J. D. Sim, Esq.
10	20	125½	127¼	1¾	Lieutenant McLeod.
11	18	109¾	110½	0¾	P. Grant, Esq.
12		72	76½	4½	Plant cut down for bark.

Table II exhibits the growth of eleven plants of C. Succirubra planted out by His Excellency the Governor and other gentlemen at Neddivuttum on the 30th August 1862. The average growth of these plants during the month is near 3 inches, or 1½ inch above that of last month.

One of the two plants cut down on the 20th of March 1863 for the bark submitted to Mr. Howard for analysis has made strong shoots of 76½ inches in height, giving the growth of 4½ inches during the month.

TABLE III.

Showing the height of twelve plants of C. Officinalis, planted on the Dodabetta Plantation at Ootacamund, on the 30th September 1863.

No. of Plants.	Height in inches when planted on the 30th Sept. 1863.	Height in inches on the 30th Sept. 1865.	Height in inches on the 31st Oct. 1865.	Growth in inches during Oct. 1865.
1	19	96	100	4
2	14½	89	91½	2½
3	28	97	101	4
4	22	93½	97	3½
5	21½	97	99½	2½
6	28	109½	113½	4
7	22½	92	95½	3½
8	21½	90½	94½	4
9	21½	101	105	4
10	19½	94	98½	4½
11	24	100	103½	3½
12	24	99½	102½	3

The twelve plants of C. Officinalis (a shrubby species) on the Dodabetta plantation gives an average growth of 3 1/12 inches, or ⅔ths of an inch above the growth of last month.

OOTACAMUND,
November 1865.

W. G. McIVOR,
Supdt., Govt. Cinchona Plantations.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 2.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, JANUARY 13, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 5th of January 1866, and is hereby promulgated for general information :—

ACT No. I OF 1866.

An Act to amend Act No. XIX of 1861 (to provide for a Government Paper Currency.)

Preamble.

Whereas it is expedient to amend Act No. XIX of 1861 (*to provide for a Government Paper Currency*); It is enacted as follows :—

Addition to Section 9 of Act XIX of 1861.

1. The ninth Section of the said Act shall be read as if after the words "Provided that the said Head Commissioner, Deputy Commissioners and Agents shall in all cases be entitled to require such silver bullion and foreign coin to be melted and assayed at the expense of the person tendering the same," the following words were inserted (that is to say),—

"Every person so tendering bullion or foreign coin and depositing the same in any such Office or Agency shall be entitled to receive therefor a certificate signed by the person or persons authorized to issue the Notes aforesaid, which certificate shall acknowledge the receipt of such bullion or foreign coin and shall state the value thereof after deducting the expense of melting and assaying the same, and shall also state the interval (which the Governor-General in Council shall from time to time fix by notification in the Gazette of India) on the expiration of which, if such certificate be presented to such Office or Agency, the holder shall be entitled to receive Promissory Notes in exchange for the said bullion or foreign coin at the rate and subject to the deduction aforesaid; and no person so tendering as aforesaid and receiving such certificate shall be entitled to receive such Notes previous to the expiration of the interval so stated in the said certificate. But nothing hereon contained shall preclude the person or persons so authorized from issuing, if he or they shall think fit, Notes in exchange for bullion or foreign coin at the rate and subject as aforesaid."

Short Title.

2. This Act shall be called "The Currency Act Amendment Act, 1866."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 22nd December 1865, and was referred to a Select Committee with instructions to make their report thereon in six weeks :—

THE INDIAN COMPANIES' ACT, 1865.

ARRANGEMENT OF SECTIONS.

PRELIMINARY.

Section.
1. Short Title.
2. Commencement of Act.
3. Interpretation Clause.
4. Prohibition of partnerships exceeding certain number.
5. Division of Act.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

6. Mode of forming Company.
7. Mode of limiting liability of Members.
8. Memorandum of Association of a Company limited by shares.
9. Memorandum of Association of a Company limited by guarantee.
10. Memorandum of Association of an unlimited Company.

Section.

11. Stamp, signature, and effect of Memorandum of Association.
12. Power of certain Companies to alter Memorandum of Association.
13. Power of Companies to change name.

Articles of Association.

14. Regulations to be prescribed by Articles of Association.
15. Application of Table A.
16. Stamp, signature, and effect of Articles of Association.

General Provisions.

17. Registration of Memorandum of Association and Articles of Association with fees as in Table B.
18. Effect of registration.
19. Copies of Memorandum and Articles to be given to Members.
20. Prohibition against identity of names in Companies.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Distribution of Capital.

21. Nature of interests in Company.
22. Definition of "Member."
23. Transfer by personal representative.
24. Register of Members.
25. Annual list of Members.
26. Penalty on Company, &c., not keeping a proper register.
27. Company to give notice of consolidation or of conversion of capital into stock.
28. Effect of conversion of shares into stock.
29. Entry of trusts on register.
30. Certificate of shares or stock.
31. Inspection of register.
32. Power to close register.
33. Notice of increase of capital and of Members to be given to Registrar.
34. Remedy for improper entry or omission of entry in register.
35. Notice to Registrar of rectification of register.
36. Register to be evidence.

Liability of Members.

37. Liability of present and past Members of Company.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

38. Registered Office of Company.
39. Notice of situation of registered Office.
40. Publication of name by a limited Company.
41. Penalties on non-publication of name.
42. Contracts how made.
43. Register of mortgages.
44. Certain Companies to publish statement entered in Schedule.
45. List of Directors to be sent to Registrar.
46. Penalty on Company not keeping register of Directors.
47. Promissory Notes, Bills of Exchange, and Húndis.

Section.

48. Prohibition against carrying on business with less than seven Members.

Provisions for Protection of Members.

49. General Meeting of Company.
50. Power to alter regulations by special resolution.
51. Definition of special resolution.
52. Provision where no regulations as to meetings.
53. Registry of special resolutions.
54. Copies of special resolutions.
55. Execution of deeds abroad.
56. Examination of affairs of Company by Inspectors.
57. Application for inspection to be supported by evidence.
58. Inspection of books.
59. Result of examination how dealt with.
60. Power of Company to appoint Inspectors.
61. Report of Inspectors to be evidence.

Notices.

62. Service of notices on Company.
63. Rules as to notices by letter.
64. Authentication of notices by Company.

Legal Proceedings.

65. Adjudication of offences and recovery of penalties under this Act.
66. Evidence of proceedings at meetings.
67. Provision as to costs in actions brought by certain limited Companies.
68. Plaint in suits against members.

Alteration of Forms.

69. Governor-General in Council may alter Forms in Schedule.

Arbitrations.

70. Power for Companies to refer matters to arbitration.
71. Power to alter or revoke agreements for reference.
72. Agreements to be carried into effect.
73. Reference to Arbitrator.
74. Reference to two or more Arbitrators.
75. Appointment of Arbitrators by Companies.
76. Appointment of Arbitrators by Governor-General of India in Council.
77. Appointment of Arbitrators by Companies to supply vacancies.
78. Appointment of Arbitrators by Local Government to supply vacancies.
79. Appointment of Arbitrator not revocable.
80. Appointment of Umpire by Arbitrators.
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No. 24 OF 1865.

A Bill for the incorporation, regulation, and winding up of Trading Companies and other Associations.

Preamble.

Whereas it is expedient that the laws relating to the incorporation, regulation, and winding up of Trading Companies and other Associations should be consolidated and amended; It is enacted as follows:—

Preliminary.

Short Title.

1. This Act may be cited for all purposes as "The Indian Companies' Act, 1866."

Commencement of Act.

2. This Act shall come into operation on the *first* day of *March* 1866, and the time at which it so comes into operation is hereinafter referred to as the commencement of this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context:—

"British India." "British India" means the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 and 22 Vic., Cap. 106, entitled "An Act for the better Government of India."

"Year." "Month." "Year" and "Month" respectively denote a year and month reckoned according to the British calendar.

"Insurance Company." An "Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses.

"District Court." "District Court" means the principal Civil Court of original jurisdiction in a District, but does not include the High Court in the exercise of its ordinary original Civil jurisdiction;

"Local Government." "High Court." And, in any part of British India in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such part; and High Court denotes the highest Civil Court of appeal therein.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than *ten* persons shall be formed, after the commencement of this Act, for the purpose of carrying on the business of banking, unless it is

registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor General of India in Council, or by Royal Charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed, after the commencement of this Act, for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

Division of Act.

5. This Act is divided into nine parts relating to the following subject-matters:—

The first Part—to the constitution and incorporation of Companies and Associations under this Act:

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act:

The third Part—to the management and administration of Companies and Associations under this Act:

The fourth Part—to the winding up of Companies and Associations under this Act:

The fifth Part—to the Registration Office:

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 *(for the incorporation and regulation of Joint Stock Companies and other Associations either with or without limited liability of the members thereof)* and Act No. VII of 1860 *(to enable Joint Stock Banking Companies to be formed on the principle of limited liability)*, or either of them.

The seventh Part—to Companies authorized to register under this Act:

The eighth Part—to the application of this Act to unregistered Companies:

The ninth Part—to repeal of Acts.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of Association, and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability.

Mode of limiting liability of members.

7. The liability of the members of a Company formed under this Act may, according to the Memorandum of Association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the Memorandum of Association to contribute to the assets of the Company in the event of its being wound up.

Memorandum of Association of a Company limited by shares.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the Memorandum of Association shall contain the following things; (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that the liability of the members is limited:

(5.) The amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount, subject to the following regulations:—

(1.) That no subscriber shall take less than one share.

(2.) That each subscriber of the Memorandum of Association shall write opposite to his name the number of shares he takes.

Memorandum of Association of a Company limited by guarantee.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up, hereinafter referred to as a Company limited by guarantee, the Memorandum of Association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

Memorandum of Association of an unlimited Company.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members hereinafter referred to as an unlimited Company, the Memorandum of

Association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established.

Stamp, signature, and effect of Memorandum of Association.

11. The Memorandum of Association shall bear the same stamp as if it were a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in the Memorandum contained, on the part of himself, his heirs, executors and administrators, a covenant to observe all the conditions of such Memorandum, subject to the provisions of this Act.

Power of certain Companies to alter memorandum of Association.

12. Any Company limited by shares may so far modify the conditions contained in its Memorandum of Association, if authorized to do so by its regulations as originally framed or as altered by special resolution in manner hereinafter mentioned, as to increase its capital by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid-up shares into stock, but, save as aforesaid, and save as hereinafter provided in the case of a change of name, no alteration shall be made by any Company in the conditions contained in its Memorandum of Association.

Power of Companies to change name.

13. Any Company under this Act, with the sanction of a Special Resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government testified in writing under the hand of one of the Secretaries to such Government, may change its name, and upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Articles of Association.

Regulations to be prescribed by Articles of Association.

14. The Memorandum of Association may, in the case of a Company limited by shares, and shall, in the case a of Company limited by guarantee or unlimited, be accompanied, when registered by Articles of Association signed by the subscribers to the Memorandum of Association, and prescribing such Regulations for the Company as the subscribers to the Memorandum of Association deem expedient. The Articles shall be expressed in separate paragraphs, numbered arithmetically. They may adopt all or any of the provisions contained in the table marked A in the first Schedule hereto. They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered; and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration. In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the Memorandum of Association the number of shares he takes.

Application of Table A.

15. In the case of a Company limited by shares, if the memorandum of Association is not accompanied by Articles of Association, or, in so far as the Articles do not exclude or modify the regulations contained in the Table marked A in the first Schedule hereto, the last mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company in the same manner and to the same extent as if they had been inserted in Articles of Association and the Articles had been duly registered.

Stamp, signature, and effect of Articles of Association.

16. The Articles of Association shall be printed, they shall bear the same stamp as if they were contained in a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in such Articles contained, a covenant on the part of himself, his heirs, executors and administrators, to conform to all the regulations contained in such Articles, subject to the provisions of this Act. All monies payable by any member to the Company, in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of Memorandum of Association and Articles of Association with fees as in Table B.

17. The Memorandum of Association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies hereinafter mentioned, who shall retain and register the same. There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of the several matters mentioned in the Table marked B in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor General of India in Council may from time to time direct, and by a Company not having capital

divided into shares, in respect of the several matters mentioned in the Table marked C in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor General of India in Council may from time to time direct. All fees paid to the said Registrar in pursuance of this Act shall be accounted for to Government.

Effect of registration.

18. Upon the registration of the Memorandum of Association and of the Articles of Association in cases where Articles of Association are required by this Act, or by the desire of the parties to be registered, the Registrar shall certify under his hand that the Company is incorporated, and in the case of a limited Company that the Company is limited; the subscribers of the Memorandum of Association, together with such other persons as may from time to time become members of the Company, shall thereupon be a body corporate by the name contained in the Memorandum of Association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company in the event of the same being wound up as is hereinafter mentioned. A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

Copies of Memorandum and Articles to be given to members.

19. A copy of the Memorandum of Association having annexed thereto the Articles of Association, if any, shall be forwarded to every member, at his request, on payment of the sum of one rupee, or such less sum as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the Memorandum of Association and Articles of Association, if any, to a member in pursuance of this Section, the Company so making default shall for each offence incur a penalty not exceeding twenty rupees.

Prohibition against identity of names in Companies.

20. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved, and testifies its consent in such manner as the Registrar requires. If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first mentioned Company may, with the sanction of the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name on the register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

PART II.

Distribution of Capital and Liability of Members of Companies and Associations under this Act.

Distribution of Capital.

Nature of interest in Company.

21. The shares or other interest of any member in a Company under this Act shall be moveable property capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "Member."

22. The subscribers of the Memorandum of Association of any Company under this Act shall be deemed to have agreed to become members of the Company whose Memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the register of members hereinafter mentioned; and every other person who has agreed to become a member of a Company under this Act, and whose name is entered on the register of members, shall be deemed to be a member of the Company.

Transfer by personal representative.

23. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Register of members.

24. Every Company under this Act shall cause to be kept in one or more books a register of its members, and there shall be entered therein the following particulars:—

(1.) The names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member:

(2.) The date at which the name of any person was entered in the register as a member:

(3.) The date at which any person ceased to be a member.

Any Company acting in contravention of this Section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

25 Every Company under this Act, and having a capital divided into shares, shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the ordinary general meeting, or if there is more than one ordinary meeting in each year the first of such ordinary general meetings, is held, are members of the Company. Such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number shares held by each of them, and shall contain a summary specifying the following particulars:—

Annual list of members.

(1.) The amount of the capital of the Company and the number of shares into which it is divided:

(2.) The number of shares taken from the commencement of the Company up to the date of the summary:

(3.) The amount of calls made on each share:

(4.) The total amount of calls received:

(5.) The total amount of calls unpaid:

(6.) The total amount of shares forfeited:

(7.) The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day as is mentioned in this Section, and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

26. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding one-hundred rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Penalty on Company, &c., not keeping a proper register.

27. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall give notice to the Registrar of Joint Stock Companies of such consolidation, division or conversion, specifying the shares so consolidated, divided or converted.

Company to give notice of consolidation or of conversion of capital into stock.

28. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock, and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the register of members hereby required to be kept by he Company, and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list instead of the amount of shares and the particulars relating to shares hereinbefore required.

Effect of conversion of shares into stock.

29. No notice of any trust express, implied, or constructive, shall be entered on the register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Entry of trusts on register.

30. A certificate under the common seal of the Company specifying any share or shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Certificate of shares or stock.

31. The register of members commencing from the date of the registration of the Company shall be kept at the registered Office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall, during business hours, but subject to such reasonable restrictions as the Company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the Company may prescribe for each inspection. Every such member or other person may require a copy of such register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned on payment of eight annas for every hundred words required to be copied. If such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding forty rupees, and a further penalty not exceeding forty rupees for every day during which such refusal continues. Every Director and Manager of the Company who shall knowingly authorize or permit such refusal shall incur the like penalty. In addition to the above penalty, any Judge of a High Court may by order compel an immediate inspection of the register.

Inspection of register.

32. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the District in which the registered Office of the Company is situated, close the register of members, for any time or times not exceeding in the whole thirty days in each year.

Power to close register.

33. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and, where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar in the case of an increase of capital, within fifteen days from the date of the passing of the

Notice of increase of capital and of members to be given to Registrar.

resolution by which such increase has been authorized, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the Registrar shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues, and every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Remedy for improper entry or omission of entry in register.

34. If the name of any person is without sufficient cause entered in, or omitted from, the register of members of any Company under this Act, or if default is made, or unnecessary delay takes place in entering on the register, the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original Civil jurisdiction in the district or place in which the registered Office of the Company is situate, apply for an order of the Court that the register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained. The Court may in any proceeding under this Section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the register; provided that the Court may direct an issue to be tried, in which any question of law may be raised, and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Notice to Registrar of rectification of register.

35. Whenever any order has been made rectifying the register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Register to be evidence.

36. The register of members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Liability of Members.

Liability of present and past members of Company.

37. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company, and the costs, charges and expenses of the winding up and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves with the qualifications following; (that is to say)—

(1.) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding up:

(2.) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(3.) No past member shall be liable to contribute to the assets of the Company, unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(4.) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(5.) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the Memorandum of Association:

(6.) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract, whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(7.) No sum due to any member of a Company in his character of a member by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered Office of Company.

38. Every Company under this Act shall have a registered Office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an Office, it shall incur a penalty not exceeding one-hundred rupees for every during which business is so carried on.

Notice of situation of registered Office.

39. Notice of the situation of such registered Office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company

shall not be deemed to have complied with the provisions of this Act with respect to having a registered Office.

Publication of name by a limited Company.

40 Every limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every Office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language, and also, if the registered Office be situate in a district beyond the local limits of the ordinary original Civil jurisdiction of a High Court, in the language required to be used in judicial proceedings in such district, and shall have its name engraven in legible characters in such languages on its seal, and shall have its name mentioned in legible characters in such languages in all notices, advertisements, and other official publications of such Company, and in all Bills of Exchange, Hundís, Promissory Notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts, and letters of credit of the Company.

Penalties on non-publication of name

41. If any limited Company under this Act does not paint or affix and keep painted or affixed its name, in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name, and for every day during which such name is not so kept, painted, or affixed. Every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty. If any Director, Manager, or Officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company, any Bill of Exchange, Hundí, Promissory Note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt, or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hundí, Promissory Note, cheque, or order for money or goods, for the amount thereof unless the same is duly paid by the Company.

Contracts how made.

42. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say)—

(1). Any contract which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company, and such contract may be in the same manner varied or discharged:

(2). Any contract which if made between private persons would be by law required to be in writing, and signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company, and such contract may in the same manner be varied or discharged:

(3). Any contract which if made between private persons would by law be valid, although made by parol only, and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be.

Register of mortgages.

43. Every limited Company under this Act shall keep a register of all mortgages and charges specifically affecting property of the Company, and shall enter in such register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge. If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every Director, Manager, or other Officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding one thousand rupees. The register of mortgages required by this Section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding one hundred rupees, and a further penalty not exceeding forty rupees for every day during which such refusal continues. In addition to the above penalty, any Judge of the High Court sitting in Chambers may by order compel an immediate inspection of the register.

Certain Companies to publish statement entered in Schedule.

44. Every limited Banking Company and every Insurance Company, and Deposit, Provident, or Benefit Society under this Act shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first Schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered Office of the Company and in every branch Office or place where the business of the Company is carried on If default is made in compliance with the provisions of this Section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this Section shall be enti-

tled to a copy of the abovementioned statement on payment of a sum not exceeding eight annas.

45. Every Company under this Act and not having a capital divided into shares shall keep at its registered Office a register containing the names and addresses and the occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a copy of such register, and shall from time to time notify to the Registrar any change that takes place in such Directors or Managers.

List of Directors to be sent to Registrar

46. If any Company under this Act and not having a capital divided into shares, makes default in keeping a register of its Directors or Managers, or in sending a copy of such register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such Directors or Managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Penalty on Company not keeping register of Directors.

47. A Promissory Note, Bill of Exchange, or Hundi shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf, or on account of the Company, by any person acting under the authority of the Company.

Promissory Notes, Bills of Exchange, and Hundis.

48. If any Company under this Act carries on business when the number of its members is less than seven for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Prohibition against carrying on business with less than seven members.

Provisions for Protection of Members.

49. A general meeting of every Company under this Act shall be held once at the least in every year. If default is made in compliance with the provisions of this Section, every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall be liable to a penalty of one thousand rupees.

General meeting of Company.

50. Subject to the provisions of this Act, and to the conditions contained in the Memorandum of Association, any Company formed under this Act may, in general meeting, from time to time by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the Articles of Association, or in the Table marked A in the first Schedule, where such Table is applicable to the Company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company. Any regulations so made by special resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the Articles of Association, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

Power to alter regulations by special resolution.

51. A resolution passed by a Company under this Act shall be deemed to be special, whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote as may be present, in person or by proxy (in cases where by the regulations of the Company proxies are allowed), at any general meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote as may be present, in person or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month from the date of the meeting at which such resolution was first passed. At any meeting mentioned in this Section, unless a poll is demanded by at least five members, a declaration of the Chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notice of any meeting shall, for the purposes of this Section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this Section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Definition of special resolution

52. In default of any regulations as to voting, every member shall have one vote, and in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the Table marked A in the first Schedule hereto. In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and in default of any regulations as to who is to be Chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Provision where no regulations as to meetings.

53. A copy of any special resolution that is passed by any Company under this Act shall be printed and forwarded to the

Registry of special resolutions.

Registrar of Joint Stock Companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the Company shall incur a penalty not exceeding forty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Copies of special resolutions.

54. Where Articles of Association have been registered, a copy of every special resolution for the time being in force shall be annexed to or embodied in every copy of the Articles of Association that may be issued after the passing of such resolution: where no Articles of Association have been registered, a copy of any special resolution shall be forwarded in print to any member requesting the same on payment of one rupee, or such less sum as the Company may direct. If any Company makes default in complying with the provisions of this Section, it shall incur a penalty not exceeding forty rupees for each copy in respect of which such default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Execution of deeds abroad.

55. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its Attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such Attorney, on behalf of the Company, and under his seal, shall be binding on the Company, and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by Inspectors.

56. The Local Government may appoint one or more competent Inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following; (that is to say)—

(1.) In the case of a Banking Company that has a capital divided into shares, upon the application of members holding not less than one-third part of the whole shares of the Company for the time being issued:

(2.) In the case of any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(3.) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the register of the Company as members.

Application for inspection to be supported by evidence.

57. The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same. The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any Inspector or Inspectors.

Inspection of books.

58. It shall be the duty of all Officers and Agents of the Company to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath or affirmation the Officers and Agents of the Company in relation to its business, and may administer such oath or affirmation accordingly. If any Officer or Agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each offence.

Result of examination how dealt with.

59. Upon the conclusion of the examination, the Inspectors shall report their opinions to the Local Government in Council. Such report shall be written or printed as the Local Government directs. A copy shall be forwarded by the Local Government to the registered Office of the Company, and a further copy shall, at the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them. All expenses of, and incidental to, any such examination as aforesaid shall be defrayed by the members upon whose application the Inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Power of Company to appoint Inspectors.

60. Any Company under this Act may by a special resolution appoint Inspectors for the purpose of examining into the affairs of the Company. The Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the Local Government, with this exception that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in general meeting directs. The Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document hereby required to be produced to such Inspectors, or to answer any question as they would have incurred if such Inspector had been appointed by the Local Government.

Report of Inspectors to be evidence.

61. A copy of the report of any Inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding, as evidence of the opinion of the Inspectors in relation to any matter contained in such report.

Notices.

Service of notices on Company.

62. Any summons, notice, order, or other document required to be served upon the Company, may be served by leaving

the same, or sending it through the post by a registered letter addressed to the Company, at their registered Office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the post by a registered letter, or by delivering it to him, or by leaving it for him at his Office.

Rules as to notices by letter.

63. Any document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the Post Office.

Authentication of notices of Company.

64. Any summons, notice, order, or proceeding requiring authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Adjudication of offences and recovery of penalties under this Act.

65. All offences under this Act made punishable by any penalty may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act No. XIII of 1856, as amended by Act No. XLVIII of 1860, relating to the adjudication of fines and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay, and Settlement of Prince of Wales' Island, Singapore, and Malacca.

Evidence of proceedings at meetings.

66. Every Company under this Act shall cause minutes of all resolutions and proceedings of general meetings of the Company and of the Directors or Managers of the Company in cases where there are Directors or Managers to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the Chairman of the meeting at which such resolutions were passed or proceedings had, or by the Chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings; and until the contrary is proved, every general meeting of the Company or meeting of Directors or Managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had, to have been duly passed and had, and all appointments of Directors, Managers, or Liquidators shall be deemed to be valid, and all acts done by such Directors, Managers, or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Provision as to costs in actions brought by certain limited Companies.

67. Where a limited Company is plaintiff in any suit, any Judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Plaint in suits against members.

68. In any suit brought by the Company against any member to recover any call or other monies due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company, and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Alteration of Forms.

Governor General in Council may alter forms in Schedule.

69. The forms set forth in the second Schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer. The Governor General of India in Council may from time to time make such alterations in the Tables and forms contained in the first Schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said Schedule mentioned, and in the forms in the second Schedule, or make such additions to the last mentioned forms as he deems requisite. Any such Table or form, when altered, shall be published in the *Gazette of India*, and upon such publication being made, such Table or form shall have the same force as if it were included in the Schedule to this Act, but no alteration made by the Governor General of India in Council in the Table marked A contained in the first Schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such Table.

Arbitrations.

Power for Companies to refer matters to arbitration.

70. Any Company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing body of such Companies.

Power to alter or revoke agreements for reference.

71. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter, or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions, or stipulations thereof.

Agreements to be carried into effect.

72. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the

Companies, and may and shall be carried into full effect.

Reference to Arbitrator.

73. Where the Companies agree, the reference shall be made to a single Arbitrator.

Reference to two or more Arbitrators.

74. Except where the Companies agree that the reference shall be made to a single Arbitrator, the reference shall be made as follows; to wit—

Where there are two Companies, the reference shall be made to two Arbitrators:

Where there are three or more Companies, the reference shall be made to so many Arbitrators as there are Companies.

Appointment of Arbitrators by Companies.

75. Where there are to be two or more Arbitrators, every Company shall, by writing under their common seal, appoint one of the Arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of Arbitrators by Local Government.

76. Where there are to be two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator; and the Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Companies to supply vacancies.

77. When the reference is made to two or more Arbitrators, if before the matters referred to them are determined, any Arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an Arbitrator in his place.

Appointment of Arbitrators by Local Government to supply vacancies.

78. Where the Company by which an Arbitrator ought to be appointed in the place of the Arbitrator so deceased, incapable, unfit, or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an Arbitrator; and the Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrator not revocable.

79. When any appointment of an Arbitrator is made, the Company making the appointment shall have no power to revoke the appointment, without the previous consent in writing of the other Company, or every other Company in writing under their common seal.

Appointment of Umpire by Arbitrators.

80. Where two or more Arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their Umpire.

Appointment of Umpire by Local Government.

81. If the Arbitrators do not appoint an Umpire within seven days after the reference is made to the Arbitrators, then, on the application of the Companies, or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Arbitrators to supply vacancy.

82. Where two or more Arbitrators are appointed, if before the matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Umpire, the Arbitrators shall by writing under their hands appoint an impartial and qualified person to be their Umpire in his place.

Appointment of Umpire by Local Government to supply vacancy.

83. If the Arbitrators fail to appoint an Umpire within seven days after notice in writing to them of the decease, incapacity, unfitness, or failure to act of their Umpire, then, on the application of the Companies, or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have powers of predecessors.

84. Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to Umpire.

85. Where there are two or more Arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c., to call for books, &c., and administer oath.

86. The Arbitrator, and the Arbitrators, and the Umpire, respectively, may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath or affirmation, and may administer the requisite oath or affirmation.

Procedure in the arbitration.

87. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respect-

ively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

88. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several awards may be made.

89. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred, and every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the Arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

90. The award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in writing under his or their respective hand or hands, and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement, within thirty days next after the matters in difference are referred to (as the case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Power for Umpire to extend period for making his award.

91. Provided always that (except where and as the Companies otherwise agree) the Umpire, from time to time by writing under his hand, may extend the period within which his award is to be made; and if it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

92. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

93. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted, or suffered shall be done, omitted, or suffered accordingly.

Agreements, arbitrations, and awards to have effect.

94. Full effect shall be given by the Courts according to their respective jurisdiction, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations, and awards in accordance with this Act; and the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame for the purpose.

Costs of arbitration and award.

95. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrator, and the Arbitrators and the Umpire respectively.

Payment of costs.

96. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

97. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

WINDING UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

Meaning of contributory.

98. The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act, in the event of the same being wound up: it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

99. The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made, as hereinafter mentioned, for enforcing such liability; and it shall be lawful in the case of the insolvency of any contributory to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

Contributories in case of death.

100. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs, and devisees shall be liable in a due course of administration to con-

tribute to the assets of the Company in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

101. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding up by Court.

Circumstances under which Company may be wound up by Court.

102. A Company under this Act may be wound up by the Court as hereinafter defined, under the following circumstances; (that is to say)—

(1.) Whenever the Company has passed a special resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year:

(3.) Whenever the members are reduced in number to less than seven:

(4.) Whenever the Company is unable to pay its debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

103. A Company under this Act shall be deemed to be unable to pay its debts—

(1.) Whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at their registered Office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of *three* weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor:

(2.) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor, in any proceeding instituted by such creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

104. The expression "the Court," as used in this part of this Act, shall mean the principal Court having original Civil jurisdiction in the place in which the registered Office of the Company is situate; unless in the regulations for the management of the Company, it shall be stipulated that the Company if wound up shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be), or by the Chief Court of the Punjab, in which case the word 'Court' shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original Civil jurisdiction.

Application for winding up to be made by petition.

105. Any application to the Court for the winding up of a Company under this Act may be made by the Company, or by any one or more creditor or creditors, contributory or contributories of the Company, or by all or any of the above parties together or separately; and every order which may be made on any such application shall operate in favour of all the creditors and all the contributories of the Company in the same manner as if it had been made upon the joint application of a creditor and a contributory.

Commencement of winding up by Court.

106. A winding up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Court may grant injunction.

107. The Court may, at any time after the presentation of a petition for winding up a Company under this Act, and before making an order for winding up the Company, upon the application of the Company, or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit. The Court may also at any time, after the presentation of such petition, and before the first appointment of liquidators, appoint provisionally an official liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing application.

108. Upon hearing the application, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order, or any other order that it deems just.

Actions and suits to be stayed after order for winding up.

109. When an order has been made for winding up a Company under this Act, no suit or other proceeding shall be proceeded with, or commenced against, the Company except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

110. When an order has been made for winding up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his books relating to the Company.

Power of Court to stay proceedings.

111. The Court may at any time after an order has been made for winding up a Company, upon the application by motion

of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee.

112. When an order has been made for winding up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

Court may have regard to wishes of creditors or contributories.

113. The Court may, as to all matters relating to the winding up, have regard to the wishes of the creditors or contributories, as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Official Liquidators.

Appointment of official liquidator.

114. For the purpose of conducting the proceedings in winding up a Company, and assisting the Court therein, there may be appointed a person or persons to be called an official liquidator or official liquidators; and the Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of official liquidator or official liquidators. In all cases if more persons than one are appointed to the office of official liquidator, the Court shall declare whether any act hereby required or authorized to be done by the official liquidator is to be done by all or any one or more of such persons. The Court may also determine whether any and what security is to be given by any official liquidator on his appointment. If no official liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

Resignations, removals, filling up vacancies, and compensation

115. Any official liquidator may resign or be removed by the Court on due cause shown: And any vacancy in the office of an official liquidator appointed by the Court shall be filled by the Court. There shall be paid to the official liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Style and duties of official liquidator.

116. The official liquidator or liquidators shall be described by the style of the official liquidator or official liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual name or names. He or they shall take into his or their custody, or under his or their control, all the property, effects, and things in action to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding up of the Company as may be imposed by the Court.

Powers of official liquidator.

117. The official liquidator shall have power with the sanction of the Court to do the following things:—

(1.) To bring or defend any suit, or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company:

(2.) To carry on the business of the Company, so far as may be necessary, for the beneficial winding up of the same:

(3.) To sell the immoveable and moveable property, effects and things in action of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels:

(4.) To do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the Company's seal:

(5.) To prove, rank, claim, and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency as a separate debt due from such insolvent, and rateably with the other separate creditors:

(6.) To draw, accept, make, and endorse any Bill of Exchange, Hundí or Promissory Note in the name and on behalf of the Company, also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money; and the drawing, accepting, making, or endorsing of every such Bill of Exchange, Hundí or Promissory Note as aforesaid on behalf of the Company shall have the same effect with respect to the liability of such Company as if such Bill, Hundí or Note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof:

(7.) To take out, if necessary, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and in all cases where he takes out letters of administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the official liquidator himself:

(8.) To do and execute all such other things as may be necessary for winding up the affairs of the Company and distributing its assets.

118. The Court may provide by any order that the official liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an official liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Discretion of official liquidator.

119. The official liquidator may, with the sanction of the Court, appoint an Attorney or Vakeel to assist him in the performance of his duties.

Appointment of Attorney to official liquidator.

Ordinary Powers of Court.

120. As soon as may be after making an order for winding up the Company, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where such rectification is required in pursuance of this Act, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities.

Collection and application of assets.

121. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or being liable to the debts of others.

Provision as to representative contributories.

122. The Court may, at any time after making an order for winding up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker, or agent, or Officer of the Company to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the Court directs, to or into the hands of the official liquidator, any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to require delivery of property.

123. The Court may, at any time after making an order for winding up the Company, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this part of this Act; and it may, in making such order, when the Company is not limited, allow to such contributory by way of set-off any monies due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profit. Provided that when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

Power of Court to order payment of debts by contributory.

124. The Court may, at any time after making an order for winding up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Courts to make calls.

125. The Court may order any contributory purchaser or other person from whom money is due to the Company, to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the official liquidator instead of to the official liquidator, and such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Power of Court to order payment into Bank.

126. All monies, bills, notes, and other securities, paid and delivered into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out of, the same as the Court may direct.

Regulation of account with Court.

127. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Provision in case of representative contributory not paying monies ordered.

128. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons, and in all proceedings whatsoever.

Order conclusive evidence.

129. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court may exclude creditors not proving within certain time.

130. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to adjust rights of contributories.

131. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding up any Company in such order of priority as the Court thinks just.

Court to order costs.

132. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Dissolution of Company.

133. Any order so made shall be reported by the official liquidator to the Registrar, who shall make a Minute accordingly in his books of the dissolution of such Company.

Registrar to make Minute of dissolution of Company.

134. If the official liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Penalty on not reporting dissolution of Company.

135. Any application for winding up a Company by the Court under this Act shall constitute a suit pending within the terms of the sixth Section of the Code of Civil Procedure.

Application for winding up to be *lispendens*.

Extraordinary Powers of Court.

136. The Court may, after it has made an order for winding up the Company, summon before it any Officer of the Company or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company. The Court may require any such Officer or person to produce any documents in his custody or power relating to the Company. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended, and brought before the Court for examination. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding up to determine all questions relating to such lien.

Power of Court to summon persons before it suspected of having property of Company.

137. The Court may examine upon oath or affirmation, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid concerning the affairs, dealings, estate, or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Examination of parties by Court.

138. The Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Power to arrest contributory about to abscond or to remove or conceal any of his property.

139. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Powers of Court cumulative.

Enforcement of and Appeal from Orders.

140. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Power to enforce orders.

141. Any order made by a Court for or in the course of the winding up of a Company under this Act shall be enforced in any part of British India other than that in which such Court is situate in the Court that would have had jurisdiction in respect of such Company if the registered Office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Order made in any Court to be enforced by other Courts.

142. Where any order or decree made by one Court is required to be enforced by another Court, as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made, and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree in the same manner as if it were the order or decree of the Court enforcing the same.

Mode of dealing with orders to be enforced by other Courts.

143. Re-hearings of and appeals from any order or decision made or given in the matter of the winding up of a Company by the Court may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of Appeal.

Appeals from orders.

144. In all proceedings under this part of this Act, every Court, Judge and person judicially acting, and all other Officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any Officer of any other Court and also of the official seal of any other Court when such seal is appended to any document made, issued, or signed under the provisions of this part of the Act, or any official copy thereof.

Judicial notice to be taken of signature of Officers.

145. The Judges of the District Courts who sit at places more than twenty English miles from the usual place of sitting of the High Court shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court, and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding up the Company. Every such Commissioner shall, in addition to any power of summoning and examining witnesses, and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses and requiring the production or delivery of documents and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Special Commissioners for receiving evidence.

146. If any affidavit, affirmation, or declaration required to be sworn or made, under the provisions or for the purposes of this part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any Colony, Island, Plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge, or person lawfully authorized to take and receive affidavits, affirmations, or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners, and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul attached, appended, or subscribed to any such affidavit, affirmation, or declaration, or to any other document to be used for the purposes of this part of this Act.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

Voluntary Winding up of Company.

147. A Company under this Act may be wound up voluntarily—

Circumstances under which Company may be wound up voluntarily.

(1.) Whenever the period, if any, fixed for the duration of the Company by the Articles of Association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in general meeting has passed a resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a special resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an extraordinary resolution to the effect that it has been proved to their satisfaction that the Company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same:

For the purpose of this Act any resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a special resolution as hereinbefore defined.

148. A voluntary winding up shall be deemed to commence at the time of the passing of the resolution authorizing such winding up.

Commencement of voluntary winding up.

149. Whenever a Company is wound up voluntarily, the Company shall, from the date of the commencement of such winding up, cease to carry on its business except in so far as may be required for the beneficial winding up thereof; and all transfers of shares except transfers made to or with the sanction of the liquidators, or alteration in the status of the members of the Company taking place after the commencement of such winding up shall be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the Company are wound up.

Effect of voluntary winding up on status of Company.

150. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by advertisement in the local Official Gazette and also in some newspaper (if any) circulating in the place where the registered Office of the Company is situate.

Notice of Resolution to wind up voluntarily.

151. The following consequences shall ensue upon the voluntary winding up of a Company :—

Consequences of voluntary winding up.

(1.) The property of the Company shall be applied in satisfaction of its liabilities *pari passu* and subject thereto shall, unless it be otherwise provided by the regulations of the Company, be distributed amongst the members according to their rights and interests in the Company :

(2.) Liquidators shall be appointed for the purpose of winding up the affairs of the Company and distributing the property :

(3.) The Company in general meeting shall appoint such persons or person as it thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or him :.

(4.) If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him :

(5.) Upon the appointment of liquidators, all the powers of the Directors shall cease, except in so far as the Company in general meeting or the liquidators may sanction the continuance of such powers :

(6.) When several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two :

(7.) The liquidators may, without the sanction of the Court, exercise all powers by this Act given to the official liquidators :

(8.) The liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories :

(9.) The liquidators may at any time after the passing of the resolution for winding up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories to the extent of their liability to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges, and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same :

(10.) The liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

152. Where a Company limited by guarantee, and having a capital divided into shares, is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the liquidators.

Effect of winding up on share-capital of Company limited by guarantee.

153. A Company about to be wound up voluntarily, or in the course of being wound up voluntarily may, by an extraordinary resolution, delegate to its creditors, or to any Committee of its creditors, the power of appointing liquidators or any of them, and supplying any vacancies in the appointment of liquidators, or may by a like resolution enter into any arrangement with respect to the powers to be exercised by the liquidators and the manner in which they are to be exercised; and any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Power of Company to delegate authority to appoint liquidators.

154. Any arrangement entered into between a Company about to be wound up voluntarily, or in the course of being wound up voluntarily, and its creditors shall be binding on the Company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Arrangement when binding on creditors.

155. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon as it thinks just amend, vary, or confirm the same.

Power of creditor or contributory to appeal.

156. Where a Company is being wound up voluntarily, the liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding up, or to exercise as respects the enforcing of calls or in respect of any other matter all or any of the powers which the Court might exercise if the Company were being wound up by the Court, and the Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power for liquidators or contributories in voluntary winding up to apply to Court.

157. Where a Company is being wound up voluntarily, the liquidators may, from time to time during the continuance of such winding up, summon general meetings of the Company for the purpose of obtaining the sanction of the Company by special resolution or extraordinary resolution or for any other purposes they think fit. In the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the Company at the end of the first year, and of each succeeding year from the commencement of the winding up, or as soon thereafter as may be con-

Power of liquidators to call general meeting.

venient, and shall lay before such meeting an account showing their acts and dealings and the manner in which the winding up has been conducted during the preceding year.

Power to fill up vacancy in liquidators.

158 If any vacancy occurs in the office of liquidators appointed by the Company, by death, resignation, or otherwise, the Company in general meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy, and a general meeting for the purpose of filling up such vacancy may be convened by the continuing liquidators if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing liquidator, if any, or by any contributory of the Company, be determined by the Court.

Power of Court to appoint liquidators.

159. If from any cause whatever, there is no liquidator acting in the case of a voluntary winding up, the Court may, on the application of a contributory, appoint a liquidator or liquidators. The Court may also, on due cause shown, remove any liquidator and appoint another liquidator to act in the matter of a voluntary winding up.

Liquidators on conclusion of winding up to make up an account

160. As soon as the affairs of the Company are fully wound up, the liquidators shall make up an account showing the manner in which such winding up has been conducted, and the property of the Company disposed of; and thereupon they shall call a general meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators. The meeting shall be called by advertisement, specifying the time, place, and object of such meeting, and such advertisement shall be published one month at least previously to the meeting in the manner specified in Section 150.

Liquidators to report meeting to Registrar.

161. The liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved. If the liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Costs of voluntary liquidation.

162. All costs, charges and expenses properly incurred in the voluntary winding up of a Company, including the remuneration of the liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Saving of rights of creditors.

163. The voluntary winding up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding up.

Power of Court to adopt proceedings of voluntary winding up.

164. Where a Company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding up.

Winding up subject to the Supervision of the Court.

Power of Court, on application, to direct winding up, subject to supervision

165 When a resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding up should continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories, or others, to apply to the Court, and generally upon such terms and subject to such conditions as the Court thinks just.

Petition for winding up subject to supervision.

166. A petition praying wholly or in part that a voluntary winding up should continue, but subject to the supervision of the Court, and which winding up is hereinafter referred to as a winding up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up the Company by the Court.

Court may have regard to wishes of creditors

167. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the supervision of the Court, in the appointment of liquidator or liquidators, and in all other matters relating to the winding up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard shall be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Power to Court to appoint additional liquidators in winding up subject to supervision.

168. Where any order is made by the Court for a winding up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional liquidator or liquidators; and any liquidators so appointed by the Court shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if they had been appointed by the Company. The Court may from time to time remove any liquidators so appointed by the Court, and fill up any va-

cancy occasioned by such removal, or by death or resignation.

169. Where an order is made for a winding up subject to the supervision of the Court, the liquidators appointed to conduct such winding up may, subject to any restrictions imposed by the Court, exercise all their powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily; but, save as aforesaid, any order made by the Court for a winding up subject to the supervision of the Court, shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the Company altogether by the Court; and in the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the official liquidators, the expression official liquidators shall be deemed to mean the liquidators conducting the winding up subject to the supervision of the Court.

Effect of order of Court for winding up subject to supervision.

170. Where an order has been made for the winding up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order, or in any subsequent order, appoint the voluntary liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other persons to be official liquidators.

Appointment in certain cases of voluntary liquidators to office of official liquidators.

Supplemental Provisions.

171. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares, or alteration in the status of the members of the Company made between the commencement of the winding up and the order for winding up, shall, unless the Court otherwise orders, be void.

Dispositions after the commencement of the winding up avoided.

172. Where any Company is being wound up, all books, accounts and documents of the Company and of the liquidators shall, as between the contributories of the Company, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

The books of the Company to be evidence.

173. Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts, and documents of the Company and of the liquidators may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and where the Company has been wound up voluntarily, in such way as the Company by an extraordinary resolution directs. But after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company, or the liquidators, or any one to whom the custody of such books, accounts, and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

As to disposal of books, accounts, and documents of the Company.

174. Where an order has been made for winding up a Company by the Court, or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories, in conformity with the order of the Court, but not further or otherwise.

Inspection of books.

175. The liquidators may, with the sanction of the Court, where the Company is being wound up by the Court, or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

General scheme of liquidation may be sanctioned.

176. The liquidators may, with the sanction of the Court, where the Company is being wound up by the Court, or subject to the supervision of the Court, and with the sanction of an extraordinary resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist between the Company and any contributory, or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding up of the Company, generally upon such terms as may be agreed upon, with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Power to compromise.

177. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the liquidators of the first mentioned Company may, with the sanction of a special resolution of the Company by whom they were appointed, conferring either a general authority on the liquidators, or an author-

Power for liquidators to accept shares, &c., as a consideration for sale of property of Company.

ity in respect of any particular arrangement, receive in compensation or part compensation for such transfer or sale, shares, policies, or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, policies, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing Company; and any sale made or arrangement entered into by the liquidators in pursuance of this Section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up who has not voted in favour of the special resolution passed by the Company of which he is a member at either of the meetings held for passing the same expresses his dissent from any such special resolution in writing addressed to the liquidators or one of them, and left at the registered Office of the Company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer; that is to say, either to abstain from carrying such resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned, such purchase money to be paid before the Company is dissolved, and to be raised by the liquidators in such manner as may be determined by special resolution. No special resolution shall be deemed invalid for the purposes of this Section by reason that it is passed antecedently to or concurrently with any resolution for winding up the Company, or for appointing liquidators; but if an order be made within a year for winding up the Company by or subject to the supervision of the Court, such resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

178. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration, under the provisions contained in the Code of Civil Procedure regarding arbitration between the parties to a suit, so far as such provisions are applicable.

Certain attachments, distresses and executions to be void.

179. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment or execution put in force against the estate or effects of the Company after the commencement of the winding up shall be void.

Fraudulent preference.

180. Any such conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, as would, if made or done by or against any individual trader, be deemed in the event of his insolvency to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly; and, for the purposes of this Section, the making of an application for winding up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a resolution for winding up the Company shall, in the case of a voluntary winding up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act of all its estate and effects to trustees for the benefit of all its creditors shall be void.

Power of Court to assess damages against delinquent Directors and Officers.

181. Where in the course of the winding up of any Company under this Act, it appears that any past or present Director, Manager, official or other liquidator, or any Officer of such Company, has misapplied or retained in his own hands or become liable or accountable for any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any liquidator, or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other Officer, and compel him to repay any monies so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust, as the Court thinks just.

Penalty on falsification of books.

182. If any Director, Officer, or contributory of any Company wound up under this Act, secretes, destroys, mutilates, alters, or falsifies any books, papers, writings, or securities, or makes or is privy to the making of any false or fraudulent entry in any Register, book of account, or other document belonging to the Company with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Prosecution of delinquent Directors in the case of winding up by Court.

183. Where any order is made for winding up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding up that any past or present Director, Manager, Officer, or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding up, or of its own motion, direct the official liquidators, or the liquidators (as the case may be), to institute and conduct a prosecution or prosecutions for such offence, and may order the costs and expenses to be paid out of the assets of the Company.

Penalty of perjury.

184. If any person, upon any examination upon oath or affirmation authorized under this Act, or in any affidavit, deposi-

tion, or solemn affirmation in or about the winding up of any Company under this Act, or otherwise in or about any matter arising under this Act, *intentionally* gives false evidence, he shall, upon conviction, be liable to the punishment provided by Section 193 of the Indian Penal Code for the offence of intentionally giving false evidence in a stage of a judicial proceeding.

Power of High Court to make Rules.

Power of High Court to make rules.

185. The High Court may, as often as circumstances require, make such rules concerning the mode of proceeding to be had for winding up a Company in such Court and in the Courts subordinate thereto, as may from time to time seem necessary and as may be consistent with the other provisions of this Act and with the Code of Civil Procedure; but until such rules are made, the general practice of the Court including the practice hitherto in use in winding up Companies shall, so far as the same is applicable and not inconsistent with this Act, apply to all proceedings for winding up a Company.

PART V.

Registration Office.

Constitution of Registration Office.

186. The Registration of Companies under this Act shall be conducted as follows; (that is to say)—

(1.) The Local Government may, after the sanction of the Governor General of India in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks, and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(2.) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks, and servants as aforesaid:

(3.) The Local Government may from time to time determine the places at which Offices for the registration of Companies are to be established, so that there be at all times maintained in each of the three Presidency Towns of Calcutta, Madras and Bombay at least one such Office, and that no Company shall be registered except at an Office within that part of British India in which by the Memorandum of Association the registered Office of the Company is declared to be established:

(4.) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(5.) Every person may inspect the documents kept by the Registrar of Joint Stock Companies; and there shall be paid for such inspection such fees as may be appointed by the Local Government not exceeding one rupee for each inspection; and any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar; and there shall be paid for such certificate of incorporation, certified copy, or extract, such fees as the Local Government may appoint, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(6.) The existing Registrar, Assistant Registrars, Clerks, and other officers and servants in the Office for the Registration of Joint Stock Companies shall, during the pleasure of the Local Government, hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or servant that may hereafter be employed in the registration of Joint Stock Companies, such salary as the Local Government may, with the sanction of the Governor General of India in Council, direct:

(8.) Whenever any act is herein directed to be done to or by the Registrar of Joint Stock Companies, such act shall, until the Local Government otherwise directs, be done to or by the existing Registrar of Joint Stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize; but in the event of the Local Government altering the constitution of the existing Registry Office, such act shall be done to or by such Officer or Officers and at such place or places with reference to the local situation of the registered Offices of the Companies to be registered as the Local Government may appoint.

PART VI.

Application of Act to Companies registered under the Joint Stock Companies' Acts.

Application of Act to Companies formed under Acts XIX of 1857 and VII of 1860.

187. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first Schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, in the same manner in the case of a limited Company as if such Company had been formed and registered under this Act as a Company limited by shares; and in the case of a Company other than a limited Company, as if such Company had been formed and registered as an unlimited Company under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by special resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the Table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding such regulations are contained in the Memorandum of Association.

188. This Act shall apply to Companies registered but not formed under the said Acts or either of them in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act, with this qualification that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Application of Act to Companies registered under Joint Stock Companies' Acts.

189. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

Mode of transferring shares.

PART VII.

Companies authorized to register under this Act.

190. With the exceptions made in the next following Section, and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament, or Act of the Governor General of India in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law and consisting of seven or more members, may at any time hereafter register itself under this Act as an unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Companies capable of being registered.

191. The following regulations shall be observed with respect to the registration of Companies under this part of this Act: (that is to say)—

Regulations as to registration of existing Companies.

(1.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, and not being a Joint Stock Company as hereinafter defined, shall register under this Act in pursuance of this part thereof:

(2.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, shall register under this Act in pursuance of this part thereof as an unlimited Company, or as a Company limited by guarantee:

(3.) No Company that is not a Joint Stock Company as hereinafter defined, shall in pursuance of this part of this Act register under this Act as a Company limited by shares:

(4.) No Company shall register under this Act in pursuance of this part thereof unless an assent to its so registering is given by a majority of such of its members as may be present, personally, or by proxy in cases where proxies are allowed by the regulations of the Company, at some general meeting summoned for the purpose:

(5.) Where a Company not having the liability of its members limited by Act of Parliament or Act of the Governor General of India in Council, or by Letters Patent, is about to register as a limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned general meeting:

(6.) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges, and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this Section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

192. For the purposes of this part of this Act, so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons; and such Company when registered with limited liability under this Act shall be deemed to be a Company limited by shares.

Definition of Joint Stock Company.

193. Previously to the registration, in pursuance of this part of this Act, of any Joint Stock Company, there shall be delivered to the Registrar the following documents: (that is to say)—

Requisitions for registration by Companies.

(1.) A list showing the names, addresses, and occupations of all persons who on a day named in such list, and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(2.) A copy of any Act of Parliament or Act of the Governor General of India in Council, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery, or other instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a limited Company, the above list and copy shall be accompanied by a

statement specifying the following particulars; that is to say—

The nominal capital of the Company and the number of shares into which it is divided:

The number of shares taken and the amount paid on each share:

The name of the Company, with the addition of the word "Limited" as the last word thereof:

With the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of the guarantee.

Requisitions for registration by existing Company not being a Joint Stock Company.

194. Previously to the registration, in pursuance of this part of this Act, of any Company not being a Joint Stock Company, there shall be delivered to the Registrar a list showing the names, addresses, and occupations of the Directors or other Managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor General of India in Council, Letters Patent, Deed of Settlement, Contract of Copartnery, or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the resolution declaring the amount of guarantee.

Power for existing Company to register amount of stock instead of shares.

195. Where a Joint Stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement not more than six clear days before the day of registration.

Authentication of statements of existing Companies.

196. The lists of Members and Directors and any other particulars relating to the Company hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same, or any two of them, or of any two other principal Officers of the Company made before a Justice of the Peace or a District Judge.

Registrar may require evidence as to nature of Company.

197. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or is not a Joint Stock Company as hereinbefore defined.

On registration of Banking Company with limited liability, notice to be given to customers.

198. Every Banking Company existing at the date of the passing of this Act which registers itself as a limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm who have a banking account with the Company. Such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the post addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company. In case the Company omits to give any such notice as is hereinbefore required to be given, then as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain Companies from payment of fees.

199. No fees shall be charged in respect of the registration in pursuance of this part of this Act of any Company in cases where such Company is not registered as a limited Company, or where, previously to its being registered as a limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor General of India in Council, or by Letters Patent.

Power to Company to change name.

200. Any Company authorized by this part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "Limited."

Certificate of registration of existing Companies.

201. Upon compliance with the requisitions in this part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the Tables marked B and C in the first Schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal with power to hold lands.

Certificate to be evidence of compliance with Act.

202. A certificate of incorporation given at any time to any Company registered in pursuance of this part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a limited or unlimited Company, as the case may be, and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Transfer of property to Company.

203. All such property, moveable and immoveable, including all interests and rights in, to, and out of property, moveable and immoveable, and including obligations and things in action, as may belong to or be vested in the Company at the date of its registration under

this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

204. The registration in pursuance of this part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with, or on behalf of such Company previously to such registration.

Continuation of existing suits.

205. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this part of this Act have been commenced by or against such Company, or the public officer or any member thereof, may be continued in the same manner as if such registration had not taken place. Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding up the Company.

Effect of registration under Act.

206. When a Company is registered under this Act in pursuance of this part thereof, all provisions contained in any Act of Parliament, Act of the Governor General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered Memorandum of Association and Articles of Association; and all the provisions of this Act shall apply to such Company and the members, contributories, and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following; (that is to say)—

(1.) That Table A in the first Schedule to this Act shall not, unless adopted by special resolution, apply to any Company registered under this Act in pursuance of this part thereof:

(2.) That the provisions of this Act relating to the numbering of shares shall not apply to any Joint Stock Company whose shares are not numbered:

(3.) That no Company shall have power to alter any provision contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor General of India in Council relating to the Company:

(4.) That no Company shall have power, without the sanction of the Governor General of India in Council, to alter any provision contained in any Letters Patent relating to the Company:

(5.) That in the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company, so far as relates to such debts or liabilities as aforesaid; and every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding up, all sums due from him in respect of any such liability as aforesaid, and in the event of the death or insolvency of any such contributory as last aforesaid, or marriage of any such contributory being a female, the provisions hereinbefore contained with respect to the representatives, heirs, and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, and to the husbands of married contributories, shall apply:

(6.) That nothing herein contained shall authorize any Company to alter any such provisions contained in any Deed of Settlement, contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the Memorandum of Association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this part thereof by virtue of any Act of Parliament, Act of the Governor General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent, or other instrument constituting or regulating the Company.

Powers of Court to restrain further proceedings.

207. The High Court may, at any time after the presentation of a petition for winding up a Company registered in pursuance of this part of this Act, and before making an order for winding up the Company, upon the application by motion of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding up Company.

208. Where an order has been made for winding up a Company registered in pursuance of this part of the Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the High Court and subject to such terms as the Court may impose.

PART VIII.

Application of Act to unregistered Companies.

Winding up of unregistered Companies.

209. Subject as hereinafter mentioned, any partnership, association, or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor General of India in Council, consisting of more than seven members, and not registered under this Act, and hereinafter included under the term unregistered Company, may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to such Company, with the following exceptions and additions :—

(1.) An unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding up, be deemed to be registered in that part of British India where its principal place of business is situate; or if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business; moreover, the principal place of business of an unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding up of such Company, be deemed to be the registered Office of the Company.

(2.) No unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court.

(3.) The circumstances under which an unregistered Company may be wound up are as follows, (that is to say)—

(*a.*) Whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(*b.*) Whenever the Company is unable to pay its debts;

(*c.*) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up;

(4.) An unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts.

(*a.*) Whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company, or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor:

(*b.*) Whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due, or claimed to be due, from the Company, or from him in his character of member of the Company, and notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the Secretary, or some Director, Manager or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not within ten days after service of such notice paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages, and expenses to be incurred by him by reason of the same:

(*c.*) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied:

(*d.*) Whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

Who to be deemed a contributory in the event of Company being wound up.

210. In the event of an unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges, and expenses of winding up the Company, and every such contributory shall be liable to contribute to the assets of the Company in the course of the winding up all sums due from him in respect of any such liability as aforesaid; but in the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

211. The Court may, at any time after the making of an application for winding up an unregistered Company, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding up unregistered Company.

212. Where an order has been made for winding up an unregistered Company in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court, and subject to such terms as the Court may impose.

Provision in case of unregistered Company.

213. If any unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding up such Company, or by any subsequent order, direct that all such property, real and personal, including all interests, claims, and rights into and out of property, real and personal, and including things in action, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company or any part of such property, is to vest in the official liquidator or official liquidators by his or their official name or names, and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the official liquidator or official liquidators may, in his or their official name or names, or in such name or names, and after giving such indemnity as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding up the Company and recovering the property thereof.

Provisions in this part of Act cumulative.

214. The provisions made by this part of this Act with respect to unregistered Companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained with respect to winding up Companies by the Court, and the Court or official liquidator may, in addition to any thing contained in this part of this Act, exercise any powers or do any act in the case of unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the extent provided by this part of this Act.

PART IX.

Repeal of Acts and temporary Provisions.

Repeal of Acts.

215. After the commencement of this Act, there shall be repealed the several Acts specified in the third schedule hereto.

Saving Clause as to repeal.

216. No repeal hereby enacted shall affect—

(1.) Any thing duly done under any Acts hereby repealed:

(2.) The incorporation of any Company registered under any Act hereby repealed:

(3.) Any right or privilege acquired or liability incurred under any Act hereby repealed:

(4.) Any penalty, forfeiture, or other punishment incurred in respect of any offence against any Act hereby repealed:

(5.) Table B in the Schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

Construction of "Registrar of Joint Stock Companies" in Act XXI of 1860.

217. In Sections 1 and 18 of Act No. XXI of 1860 (*for the registration of Literary, Scientific and Charitable Societies*) the words "Registrar" of Joint Stock Companies shall be construed to mean Registrar of Joint Stock Companies under this Act or any Act for the time being in force.

Saving of existing proceedings for winding up.

218. Where previously to the commencement of this Act an order has been made for winding up a Company under any Acts or Act hereby repealed, or a resolution has been passed for winding up a Company voluntarily, such Company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding up, such repealed Acts or Act shall be deemed to remain in full force.

Saving of Conveyance Deeds.

219. Where previously to the commencement of this Act any conveyance, mortgage, or other deed has been made in pursuance of any Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed, such repealed Act shall be deemed to remain in full force.

Compulsory registration of certain Companies.

220. Every Company required by any Act hereby repealed to register under the said Acts, or either of them, and which has not so registered, shall, on or before the expiration of the thirty-first day from the commencement of this Act, register itself as a Company under this Act, in manner and subject to the regulations hereinbefore contained. No fees shall be charged in respect of the registration of any Company required to register by this Section.

Penalty on Company not registering.

221. If any Company required by the last Section to register under this Act makes default in complying with the provisions thereof, then, from and after the day upon which such Company is required to register under this Act, until the day on which such Company is registered under this Act (which it is empowered to do at any time), the following consequences shall ensue, (that is to say)—

(1.) The Company shall be incapable of suing, but shall not be incapable of being made a defendant to a suit:

(2.) No dividend shall be payable to any shareholder in such Company:

(3.) Each Director or Manager of the Company shall for each day during which the Company so being in default carries on business incur a penalty not exceeding one hundred rupees, and such penalty may be recovered by any person, whether a shareholder or not, in the Company, and be applied by him to his own use.

Nevertheless, such default shall not render the Company so being in default illegal, nor subject it to any penalty or disability other than as specified in this Section, and registration under this Act shall cancel any penalty or forfeiture, and put an end to any disability which any Company may

have incurred by reason of its not having registered under the said Act XIX of 1857.

Temporary power for Companies to change registered Office.

222. Upon the application of the Directors of any Company registered under the said Acts of 1857 and 1860, or either of them, made within one year after the date of the commencement of this Act, sanctioned by a resolution passed at an Extraordinary General Meeting, but subject to the restrictions hereinafter mentioned, the Governor General of India in Council shall have authority by his certificate in writing signed by one of the Secretaries to the Government of India to change the registered Office of any such Company from any one part of British India to any other part thereof. The Registrar of Joint Stock Companies with whom the Memorandum of Registration of such Company has been registered shall, upon receipt of such certificate, note in writing upon the margin or at the foot of the said memorandum the name of the place to which such registered Office is to be transferred, and the day upon which such transfer is, pursuant to such certificate, to take place, and shall attach the certificate to the memorandum, and the said Registrar shall thereupon transmit to the Registrar of Joint Stock Companies for that part of British India to which the registered Office is to be so transferred, copies of the said certificate and of the said Memorandum of Registration so noted certified by him. The said Registrar for the said last-mentioned part of British India shall, upon receipt of such copies of certificate and memorandum, retain and register the same in like manner, and on payment of the like fees to him as provided in the case of the registration of an original Memorandum of Registration, and thereupon the place of the registered Office shall, from the said last-mentioned registration, and the said day mentioned in the said certificate, be the place mentioned as such on the said certificate: Provided, however, that such change shall in no wise alter or affect any thing theretofore done by the said Company or any of their rights or liabilities in respect thereof.

Restrictions on issue of certificate.

223. The Governor General of India in Council shall not issue his certificate in pursuance of the foregoing Section until he is satisfied that an advertisement of the intention of the Company to apply to him for a certificate, with a declaration that all parties objecting thereto are forthwith to apply to the Governor General of India in Council has been published once at the least in each of four successive weeks in the local Gazette, nor until the Governor General of India in Council is satisfied that the objections, if any, that may be urged against the issue of such certificate, are groundless.

Act not to apply to Banks of Bengal, Madras, or Bombay.

224. Nothing in this Act shall affect Act VI of 1839 (*relating to the Bank of Bengal*), Act III of 1840 (*for the incorporation of a Bank at Bombay*), or Act IX of 1843 (*for the incorporation of a Bank at Madras*), or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay, incorporate by the said Acts respectively.

FIRST SCHEDULE.

TABLE A.

Regulations for Management of a Company Limited by Shares.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in general meeting may prescribe, be entitled to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in general meeting may prescribe.

Calls on Shares.

(4.) The Directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Directors.

(5.) A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The Directors may, if they think fit, receive from any member willing to advance the same all or any part of the monies due upon the shares held by him beyond the sums actually called for; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the Directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the register book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form :—

I, A B, of in consideration of the sum of Rupees paid to me by C D of do hereby transfer to the said C D the share (or shares) numbered standing in my name in the books of the Company, to hold unto the said C D his executors, administrators, and assigns, subject to

the several conditions on which I held the same at the time of the execution hereof; and I, the said C D, do hereby agree to take the said share (or shares) subject to the same conditions. As witness our hands, the day of

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, accompanied with such evidence as the Directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the Directors may, at any time hereafter, during such time as the call remains unpaid, serve a notice on him, requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day, on or before which such call, and all interest and expenses that have accrued by reason of such non-payment, are to be paid. It shall also name the place where payment is to be made (the place so named being either the registered Office of the Company or some other place at which calls of the Company are usually made payable). The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made, will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest, and expenses due in respect thereof has been made, be forfeited by a resolution of the Directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in general meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to a purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the sanction of the Company previously given in general meeting, convert any paid-up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interests, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company, and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26.) The Directors may, with the sanction of a special resolution of the Company previously given in general meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in general meeting directs, or, if no direction is given, as the Directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the exist-

ing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first general meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place as the Directors may determine.

(30.) Subsequent general meetings shall be held at such time and place as may be prescribed by the Company in general meeting; and if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year, at such place as may be determined by the Directors.

(31.) The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an extraordinary general meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene an extraordinary general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other members amounting to the required number, may themselves convene an extraordinary general meeting.

Proceedings at General Meetings.

(35.) Seven days' notice at the least, specifying the place, the day, and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(36.) All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at any ordinary meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets, and the ordinary report of the Directors.

(37.) No business shall be transacted at any general meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows: that is to say, if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of Members, shall be dissolved: In any other case it shall stand adjourned to the same day in the next week, at the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die.*

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every general meeting of the Company.

(40.) If there is no such Chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the Members present shall choose some one of their number to be Chairman.

(41.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any general meeting, unless a poll is demanded by at least five Members, a declaration by the Chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(43.) If a poll is demanded by five or more Members it shall be taken in such manner as the Chairman directs, and the result of such poll shall be deemed to be the resolution of the Company in General Meeting. In the case of an equality of votes at any general meeting the Chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every Member shall have one vote for every share up to ten: He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any Member is a lunatic or idiot he may vote by his Committee, or other legal Curator; and if any shareholder is a minor he may vote by his guardian, or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the Member whose name stands first in the Register of Members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No Member shall be entitled to vote at any General Meeting unless all calls due from him have been paid, and no Member shall be entitled to vote in respect of any share that he has acquired by transfer at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy..

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointer, or if such appointer is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a Member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered Office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form :—

Company Limited.

I of being a Member of the Company Limited, and entitled to vote or votes, hereby appoint of as my proxy, to vote for me and on my behalf at the (Ordinary *or* Extraordinary, *as the case may be*) General Meeting of the Company to be held on the day of , and at any adjournment thereof (*or*, at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the Memorandum of Association.

(53.) Until Directors are appointed the subscribers of the Memorandum of Association shall be deemed to be Directors.

(54.) The future remuneration of the Directors, and their remuneration for services performed previously to the first general meeting, shall be determined by the Company in general meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the Directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise all such powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in general meeting, subject nevertheless to any regulations of these Articles, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in general meeting; but no regulation made by the Company in general meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

(56.) The continuing Directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of Director shall be vacated :—

If he holds any other office or place of profit under the Company :

If he becomes bankrupt or insolvent :

If he is concerned in or participates in the profits of any contract with the Company :

But the above rules shall be subject to the following exceptions : That no Director shall vacate his office by reason of his being a Member of any Company which has entered into contracts with or done any work for the Company of which he is Director; nevertheless he shall not vote in respect of such contract or work ; and if he does so vote his vote shall not be counted.

Rotation of Directors.

(58.) At the first ordinary meeting after the registration of the Company the whole of the Directors shall retire from office ; and at the first ordinary meeting in every subsequent year one-third of the Directors for the time being, or if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to retire during the first and second years ensuing the first ordinary meeting of the Company shall, unless the Directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If at any meeting at which an election of Directors ought to take place, the places of the vacating Directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place ; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the ordinary meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in General Meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the Board of Directors may be filled up by the Directors, but any person so chosen shall retain his

office so long only as the vacating Director would have retained the same if no vacancy had occurred.

(65.) The Company, in General Meeting, may, by a special resolution, remove any Director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the Chairman shall have a second or casting vote. A Director may at any time summon a meeting of the Directors.

(67.) The Directors may elect a Chairman of their meetings, and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

(68.) The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit. Any Committee so formed shall, in the exercise of the powers so delegated, conform to any Regulations that may be imposed on it by the Directors.

(69.) A Committee may elect a Chairman of its meetings. If no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

(70.) A Committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and in case of an equality of votes the Chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

Dividends.

(72.) The Directors may, with the sanction of the Company in General Meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company, or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared, may be forfeited by the Directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The Directors shall cause true accounts to be kept,

Of the stock in trade of the Company;

Of the sums of money received and expended by the Company, and the matter in respect of which such receipt and expenditure takes place; and

Of the credits and liabilities of the Company.

The books of account shall be kept at the registered Office of the Company, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the Directors shall lay before the Company in General Meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries, and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year, and laid before the Company in General Meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arrranged under the heads appearing in the form annexed to this Table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the Directors, subsequent auditors shall be appointed by the Company in General Meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be Members of the Company; but no person is eligible as an auditor who is interested otherwise than as a Member in any transaction of the Company; and no Director or other officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in such year.

(88.) The remuneration of the first auditors shall be fixed by the Directors; that of subsequent auditors shall be fixed by the Company in General Meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the application of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts, examine the Directors or any other Officer of the Company.

(94.) The auditors shall make a report to the Members upon the balance-sheet and accounts, and in every such report they shall state whether in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have or has been given by the Directors, and whether they or it have or has been satisfactory; and such report shall be read, together with the report of the Directors, at the ordinary meeting.

Notices.

(95.) A notice may be served by the Company upon any Member either personally or by sending it through the post in a letter addressed to such Member at his registered place of abode.

(96.) All notices directed to be given to the Members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the register of Members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service it shall be sufficient to prove that the letter containing the notices was properly addressed and put into the Post Office.

Dr. *Balance-sheet (a) of the Company made up to* 18 **Cr.**

		Capital and Liabilities.	Rs.	As.			Property and Assets.	Rs.	As.
I. Capital.		Showing;			III. Property held by the Company.		Showing:		
	1	The number of shares				7	Immoveable property, distinguishing		
	2	The amount paid for share					(a) Freehold land		
	3	If any arrears of calls, the nature of the arrear, and the names of the defaulters					(b) „ Buildings		
	4	The particulars of any forfeited shares					(c) Leasehold „		
						8	Moveable property, distinguishing		
							(d) Stock in Trade		
							(e) Plant		
II. Debts and Liabilities of the Company.		Showing:					The cost to be stated with deductions for deterioration in value as charged to the reserve fund or profit and loss		
	5	The amount of loans on mortgages or debenture bonds							
	6	The amount of debts owing by the Company, distinguishing			IV. Debts owing to the Company.		Showing:		
		(a) Debts for which acceptances have been given ...							
		(b) Debts to tradesmen for supplies of stock in trade or other articles				9	Debts considered good for which the Company hold bills or other securities		
		(c) Debts for law expenses				10	Debts considered good for which the Company hold no security		
		(d) Debts for interest on debentures or other loans				11	Debts considered doubtful and bad, any debt due from a Director or other Officer of the Company to be separately stated		
		(e) Unclaimed dividends							
		(f) Debts not enumerated above							
VI. Reserve Fund.		Showing:							
		The amount set aside from profits to meet contingencies							
VII. Profit and Loss.		Showing:			V. Cash and investments.		Showing:		
		The disposable balance for payment of dividends, &c....				12	The nature of investment and rate of interest ...		
						13	The amonnt of cash, where lodged, and if bearing interest		
Contingent Liabilities.		Claims against the Company not acknowledged as debts							
		Monies for which the Company is contingently liable...							

(a) See Clauses 81 and 82 of the foregoing Table A.

TABLE B.

	Rs.	A	P.
Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company having a capital divided into shares.			
For Registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of	40	0	0
For Registration of a Company whose nominal capital exceeds Rs. 20,000 the above fee of twenty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 20,000 rupees up to 50,000 rupees	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 50,000 rupees up to 1,000,000 rupees	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 1,000,000 rupees	1	0	0
For Registration of any increase of capital made after the first Registration of the Company, the same fees per 10,000 rupees or part of 10,000 rupees as would have been payable if such increased capital had formed part of the original capital at the time of Registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on Registration, or afterwards, any greater amount of fees than taking into account in the case of fees payable on an increase of capital after Registration the fees paid on Registration.			
For Registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of Registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the Memorandum of Association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

TABLE C.

	Rs.	A.	P.
Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company not having a capital divided into shares.			
For Registration of a Company whose number of Members, as stated in the Articles of Association, does not exceed 20	40	0	0
For Registration of a Company whose number of Members, as stated in the Articles of Association, exceeds 20, but does not exceed 100 ...	100	0	0
For Registration of a Company whose number of Members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 3 for every 50 Members or less number than 50 Members after the first 100.			
For Registration of a Company in which the number of Members is stated in the Articles of Association to be unlimited, a fee of ...	400	0	0
For Registration of any increase on the number of Members made after the registration of the Company in respect of every 50 Members, or less than 50 Members, of such increase.	5	0	0
Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 200 in respect of its number of Members, taking into account the fee paid on the first Registration of the Company.			
For Registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of Registration under this Act, the same fee as is charged for registering a new Company.			
For Registering any document hereby required or authorized to be registered, other than the Memorandum of Association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

FORM D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE ACT.

* The Capital of the Company is Rs. , divided into shares of each.

The number of shares issued is . Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the Company on the first day of January (or July) were;—

Debts owing to sundry persons by the Company:

Under decree,
On specialty,
On Notes or Bills,
On Simple Contracts,
On estimated Liabilities.

The assets of the Company on that day were—

Government Securities [stating them].
Bills of Exchange and Promissory Notes,
Cash at the Bankers,
Other Securities,

* If the Company has no capital divided into shares, the portion of the statement relating to capital and shares must be omitted.

SECOND SCHEDULE.

FORM A.

Memorandum of Association of a Company limited by Shares.

1*st.*—The name of the Company is "the Company, limited."

2*nd.*—The registered Office of the Company will be situate in

3*rd.*—The objects for which the Company is established are, " and the doing all such other things as are incidental or conducive to the attainment of the above object."

4*th.*—The liability of the Members is limited.

5*th.*—The Capital of the Company is Rs. divided into shares of Rs. each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses, and Descriptions of Subscribers.	Number of shares taken by each Subscriber.
1. A. B. of - -	
2. C. D. „ - -	
3. E. F. „ - -	
4. G. H. „ - -	
5. I. J. „ - -	
6. K. L. „ - -	
7. M. N. „ - -	
Total shares taken -	

Dated the day of

Witness to the above signatures.

O. P.

FORM B.

Memorandum and Articles of Association of a Company limited by guarantee, and not having a Capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "the Mutual Calcutta Marine Association, limited."

2*nd.*—The registered Office of the Company will be situate in Calcutta.

3*rd.*—The objects for which the Company is established are "the Mutual Insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4*th.*—Every Member of the Company undertakes to contribute to the assets of the Company in the event of the same being wound up during the time that he is a Member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a Member, and the costs, charges, and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, addresses, and descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of

Witness to the above signatures.

O. P.

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the purpose of registration, is declared to consist of five hundred Members.

(2.) The Directors hereinafter mentioned may, whenever the business of the Association requires it, register an increase of Members.

Definition of Members.

(3.) Every person shall be deemed to have agreed to become a Member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4.) The first General Meeting shall be held at such time not being more than three months after the incorporation of the Company, and at such place as the Directors may determine.

(5.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year at such place as may be determined by the Directors.

(6.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(7.) The Directors may, whenever they think fit, and they shall, upon a requisition made in writing by any five or more Members, convene an Extraordinary General Meeting.

(8.) Any requisition made by the Members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(9.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene a General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five Members may themselves convene a meeting.

Proceedings at General Meetings.

(10.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the Members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any Member shall not invalidate the proceedings at any General Meeting.

(11.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of the consideration of the accounts, balance-sheets, and the ordinary report of the Directors.

(12.) No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of Members is present at the commencement of such business; and such quorum shall be ascertained as follows, that is to say, if the Members of the Company at the time of the meeting do not exceed ten in number the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional Members up to fifty, and one for every ten additional Members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

(13.) If within one hour from the time appointed for the meeting, a quorum of Members is not present, the meeting, if convened upon the requisition of the Members, shall be dissolved: in any other case it shall stand adjourned to the same day in the following week at the same time and place; and if at such adjourned meeting a quorum of Members is not present, it shall be adjourned *sine die.*

(14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.

(15.) If there is no such Chairman, or if at any meeting he is not present at the time of holding the same, the Members present shall choose some one of their number to be Chairman of such meeting.

(16.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17.) At any General Meeting, unless a poll is demanded by at least five Members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such Resolution.

(18.) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the Chairman directs; and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

(19.) Every Member shall have one vote and no more.

(20.) If any Member is a lunatic or idiot, he may vote by his Committee, or other legal Curator: if any Member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21.) No Member shall be entitled to vote at any meeting unless all monies due from him to the Company have been paid.

(22,) Votes may be given either personally or by proxies; a proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a Corporation, under its common sea .

(23.) No person shall be appointed a proxy who is not a Member, and the instrument appointing him shall be deposited at the registered Office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24.) Any instrument appointing a proxy shall be in the following form:—

COMPANY LIMITED.

I of
being a Member of the
Company limited, hereby appoint
of as my proxy, to vote for me and on my behalf at the [Ordinary *or* Extraordinary, *as the case may be*] General Meeting of the Company to be held on the day of , and at any adjournment thereof to be held on the day of next [*or* at any meeting of the Company that may be held in the year .]

As witness my hand, this
day of Signed by the said in the presence of

Directors.

(25.) The number of the Directors and the names of the first Directors shall be determined by the subscribers of the Memorandum of Association.

(26.) Until Directors are appointed, the subscribers of the Memorandum of Association shall be deemed to be Directors.

Powers of Directors.

(27.) The business of the Company shall be managed by the Directors, who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

Election of Directors.

(28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

(Here insert Rules as to mode in which Business of Insurance is to be conducted.)

ACCOUNTS.

(29.) The accounts of the Company shall be audited by a Committee of five Members, to be called the Audit Committee.

(30.) The first Audit Committee shall be nominated by the Directors out of the body of Members.

(31.) Subsequent Audit Committees shall be nominated by the Members at the Ordinary General Meeting in each year.

(32.) The Audit Committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and vouchers relating thereto.

(33.) The Audit Committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company. They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may in relation to such accounts examine the Directors or any other Officer of the Company.

(34.) The Audit Committee shall make a report to the Members upon the balance-sheet and accounts, and in every such report, they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations of the Company, and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and in case they have called for explanation or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read together with the report of the Directors at the Ordinary Meeting.

Notices.

(35.) A notice may be served by the Company upon any Member either personally, or by sending it through the Post in a letter addressed to such Member at his registered place of abode.

(36.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed, and put into the Post Office.

Winding up.

(37.) The Company shall be wound up voluntarily whenever an Extraordinary resolution, as defined by the Indian Companies' Act, 1866 is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of ... ... Merchant.
2. C. D. of ... ... "
3. E. F. of ... ... "
4. G. H. of ... ... "
5. I. J. of ... ... "
6. K. L. of ... ... "
7. M. N. of ... ... "

Dated the *day of* 18 .

Witness to the above signatures.

O. P.

FORM C.

Memorandum and Articles of Association of a Company limited by guarantee, and having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "The Hotel Company, Limited."

2*nd.*—The registered Office of the Company will be situate in

3*rd.*—The objects for which the Company is established are "the facilitating travelling in by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4*th.*—Every Member of the Company undertakes to contribute to the assets of the Company in the event of the same being wound up during the time that he is a Member, or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a Member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B.
2. C. D.
3. E. F.
4. G. H.
5. I. J.
6. K. L.
7. M. N.

Dated the *day of* 18

Witness to the above signatures.

O. P.

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lakhs of Rupees divided into five thousand shares of one hundred Rupees each.

2. The Directors may, with the sanction of the Company in General Meeting, reduce the amount of shares.

3. The Directors may, with the sanction of the Company in General Meeting, cancel any shares belonging to the Company.

4 All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses, and descriptions of subscribers.	Number of shares taken by each subscriber.
1. A. B.	
2. C. D.	
3. E. F.	
4. G. H.	
5. I. J.	
6. K. L.	
7. M. N.	

Total shares taken

Dated the *day of* 186 .

Witness to the above signatures.

O. P.

Memorandum and Articles of Association of an unlimited Company having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "The Patent Company."

2*nd.*—The registered Office of the Company will be situated in

3*rd.*—The objects for which the Company is established are "the working of a patent method of of which method O. P. of is the sole patentee.

We, the several persons whose names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the *day of* 186

Witness to the above signatures.

O. P.

Articles of Association to accompany the preceding Memorandum of Association.

Capital of the Company.

The Capital of the Company is twenty thousand Rupees divided into twenty shares of one thousand Rupees each.

Application of Table A.

All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, addresses, and descriptions of subscribers.	Number of shares taken by subscribers.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	

Total shares taken

Dated the *day of* 186

Witness to the above signatures.

Q. R.

FORM E. As required by the Second Part of the Act.

Summary of Capital and Shares of the Company made up to the day of
Nominal Capital Rs. divided into shares of Rs. each
Number of Shares taken up to the day of
There has been called up on each Share Rs.
Total amount of calls received Rs.
Total amount of calls unpaid Rs.

List of persons holding Shares in the Company on the day of and of persons who have held Shares thereon at any time during the year immediately preceding the said day of , showing their names and addresses and an account of the Shares so held.

Folio in Register Ledger containing particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing Members on the day of	Additional Shares held by existing Members during preceding year.		Shares held by persons no longer Members.		
						Number.	Date of transfer.	Number.	Date of transfer.	

THIRD SCHEDULE.

Number and date of Act.	Title of Act.
No. XLIII of 1850	An Act for the Regulation of Joint Stock Companies.
No. XIX of 1857	An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations either with or without limited liability of the members thereof.
No. VII of 1860	An Act to enable Joint Stock Banking Companies to be formed on the principle of limited liability.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to form a complete code for the formation, regulation, and winding up of Companies of every description, including under the term 'Companies' any Association that chooses to avail itself of the provisions of the Bill. It is a transcript of the English Companies' Act, 1862 (Stat. 25 & 26 Vict., Cap. 89), with the alterations, omissions and additions necessary to adapt that measure to India.

The Bill adopts the system of legislation created in this country by Act XIX of 1857, of which the English Joint Stock Companies' Act, 1856, was the prototype, and introduces the system of winding up subject to the supervision of the Court, which was initiated in England by the Joint Stock Companies' Act of 1857 and expanded by the amending Act of 1858.

The Bill also withdraws the prohibition which prevents Insurance Companies from availing themselves of the provisions of Act XIX of 1857. Banking Companies were exempted from the like prohibition by Act VII of 1860, and the exemption is of course continued by the present Bill.

No Company can be registered under Act XIX of 1857 unless it possesses a joint stock capital divided into shares of a certain fixed amount. But this Bill comprehends Companies formed on the mutual principle, such as mutual loan Companies and all Associations deriving their funds from annual subscriptions or any other source than a share capital.

The Bill legalizes the formation of a new species of Company. In this, which is called "a Company limited by guarantee," the liability of the Members is limited to such amount as they may undertake by the Memorandum of Association to contribute to the assets of the Company in the event of its being wound up.

Act XIX of 1857 provides only for the winding up of Companies registered under it. The present Bill makes provisions for winding up all Companies, whether registered or not.

The minor changes in the law which the present Bill proposes to make may be briefly stated.

The liability of Members differs somewhat from that established by Act XIX of 1857, and is as follows. Every Member is liable, during the time of his membership and for a year after, in respect of engagements contracted before the time that he ceased to be a Member, but not in respect of subsequent engagements. In a Company limited by shares his liability ceases when he has paid up all calls on his shares. In a Company limited by guarantee, the extent of his liability is measured by the amount of the guarantee, with the addition, if the capital be divided into shares, of an obligation to pay up the calls on his shares. In the case of an unlimited Company the calls must be made equally on all the shareholders, and a Member cannot, as formerly, be singled out by the creditors.

All limited Companies (Section 43) must keep at their Office a register of mortgages open to inspection by any creditor or member.

Three-fourths in number and value of the Company may by special resolution alter its regulations, and the Bill contains provisions enabling a certain number of Members to obtain an examination of the affairs of the Company by an Inspector appointed by the Local Government, which here, as throughout the Bill, represents the Board of Trade of the English Statute.

The Bill contains provisions enabling Companies to refer matters in dispute to arbitration. These are taken from the Railway Companies' Arbitration Act, 1859. In the case of disputes between a Company and one of its shareholders, the provisions as to arbitration contained in the Code of Civil Procedure are incorporated by reference. And there are other provisions for forms of notices, application of penalties, conduct of legal proceedings and alterations in the forms in the Schedules, which cannot well be stated in a summary manner.

H. S. MAINE.

The 6th December 1865.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 5th January 1866, and was referred to a Select Committee, with instructions to make their report thereon in six weeks :—

No. 28 OF 1865.

A Bill to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.

Preamble.

Whereas it is expedient to provide a summary procedure for the recovery of money due on dishonoured Bills of Exchange, Hundís and Promissory Notes; and whereas inconvenience is felt by persons engaged in trade by reason of the laws of British India being in some particulars different from those of England in matters of common occurrence in the course of such trade; and whereas, with a view to remedy such inconvenience, it is expedient to amend the laws of British India as hereinafter is mentioned: It is enacted as follows :—

Interpretation Clause.

"British India."

1. In this Act—unless there be something repugnant in the subject or context—"British India" shall mean the territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., Cap. 106 (*An Act for the better Government of India*).

"Local Government."

And in every part of British India in which this Act shall operate, "Local Government" shall mean the person authorized by law to administer executive Government in such part:

"High Court."

"High Court" shall mean the highest Civil Court therein in its ordinary original Civil jurisdiction; and

"Chief Justice."

"Chief Justice" shall mean the Chief Justice, or Senior Judge, or any other Judge for the time being authorized to act as Chief Justice, or Senior Judge of any such Court.

From and after 1st May 1866, in all suits upon Bills of Exchange, &c., if plaintiff desires to proceed under this Act, the summons shall be in the form given in the Schedule.

2. From and after the first day of May 1866, all suits upon Bills of Exchange, Hundís or Promissory Notes commenced in any High Court within six calendar months after the same shall have become due and payable, may, in case the plaintiff shall desire to proceed under this Act, be commenced as hereinafter is mentioned (that is to say) the plaint shall be in the form prescribed by the Code of Civil Procedure; but the summons shall be in the form contained in the Schedule to this Act; and in any case in which the plaint and summons shall be in such forms respectively, it shall not be lawful for the defendant to appear to or defend the suit unless he shall obtain leave from a Judge as hereinafter mentioned so to appear and defend; and in default of his obtaining such leave or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by the Chief Justice, unless the plaintiff claim more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be enforced forthwith.

Defendant showing a defence upon the merits to have leave to appear.

3. The Court may, upon application within the period of twelve days from the service of such summons, give leave to appear and to defend the suit, upon the defendant paying into Court the sum mentioned in the summons or upon affidavits satisfactory to the Court, which disclose a defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise as to the Court may seem fit.

Court may, under special circumstances, set aside decree.

4. After decree, the Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to appear to the summons and to defend the suit, if it shall seem reasonable to the Court so to do and on such terms as to the Court may seem just.

Court may order Bill to be deposited with Officer of Court in certain cases.

5. In any proceedings under this Act, it shall be competent to the Court to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all proceedings shall be stayed until the plaintiff shall have given security for the costs thereof.

Remedy for recovery of cost of noting non-acceptance of dishonoured Bill.

6. The holder of every dishonoured foreign Bill of Exchange or Promissory Note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this Act for the recovery of the amount of such Bill or Note.

Civil Procedure Code and rules made thereunder to apply to proceedings under this Act.

7. The provisions of the Code of Civil Procedure and all rules made under or by virtue of the said Code shall, so far as the same are or may be made applicable, extend and apply to all proceedings to be had or taken under this Act.

Local Government may extend Act.

8. It shall be lawful for the Local Government to direct that all or any part of the provisions in Sections 2 to 7, both inclusive, of this Act shall, *mutatis mutandis*, apply to all or any other Courts or Court in the territories under such Government, and within one month after such order shall have been made and published in the official Gazette, such provisions shall

extend and apply in manner directed by such order, and any such order may be in like manner from time to time altered and annulled. In and by any such order the Local Government may direct by whom any powers or duties incident to the provisions applied under this Act, shall and may be exercised with respect to matters in such other Courts or Court, and may make any orders or regulations which may be deemed requisite for carrying into operation in such Courts or Court the provisions so applied.

Consideration for guarantee need not appear by writing.

9. No special promise to be made by any person after the passing of this Act to answer for the debt, default or miscarriage of another person, being in writing, and signed by the party to be charged therewith or some other person by him thereunto lawfully authorized, shall be deemed invalid to support a suit to charge the person by whom such promise shall have been made, by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

Guarantee to or for a Firm to cease upon a change in the Firm, except in special cases.

10. No promise to answer for the debt, default or miscarriage of another made to a Firm consisting of two or more persons, or to a single person trading under the name of a Firm, and no promise to answer for the debt, default or miscarriage of a Firm consisting of two or more persons, or of a single person trading under the name of a Firm, shall be binding on the person making such promise in respect of any thing done or omitted to be done after a change shall have taken place in any one or more of the persons constituting the Firm, or in the person trading under the name of a Firm, unless the intention of the parties, that such promise shall continue to be binding notwithstanding such change, shall appear either by express stipulation or by necessary implication from the nature of the Firm or otherwise.

Acceptance of a Bill, Inland or Foreign, to be in writing on it, and signed.

11. No acceptance of any Bill of Exchange, whether Inland or Foreign, made after the first day of May 1866, shall be sufficient to bind or charge any person, unless the same be in writing on such Bill, or, if there be more than one part of such Bill, on one of the said parts, and signed by the acceptor or some person duly authorized by him.

What are to be deemed "Inland Bills."

12. Every Bill of Exchange or Promissory Note drawn or made in any part of British India, and made payable in or drawn upon any person resident in any part of British India, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the stamp duty, if any, which, but for this enactment, would be payable in respect of any such Bill or Note.

Suits on lost negotiable instruments.

13. In case of any suit founded upon a Bill of Exchange or other negotiable instrument, if it shall be proved to the satisfaction of the Court that the instrument is lost, and if an indemnity be given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, it shall be lawful for the Court to make such decree as it would have made if the plaintiff had produced the instrument in Court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

SCHEDULE.

No. of Suit.

In the High Court of at

Plaintiff
Defendant

To [*here enter the defendant's Name, Description and Address*].

Whereas [*here enter the plaintiff's name, description and address*] has instituted a suit in this Court against you under Act No. of 1866 (to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India) for Rs. principal and interest [*or* Rs. balance of principal and interest] due to him as the Payee [*or* Indorsee] of a Bill of Exchange [*or* Hundi *or* Promissory Note] of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within twelve days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such twelve days to obtain a decree for any sum not exceeding the sum of Rs. [*here state the sum claimed*] and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[*Here copy the Bill of Exchange, Hundi or Promissory Note, and all endorsements upon it.*]

STATEMENT OF OBJECTS AND REASONS.

The present Bill, the bulk of which is founded on wo English Statutes relating to mercantile law, is introduced, partly because of the obvious expediency of having the law merchant of India identical with that of England, but chiefly because of the important improvements which those Statutes have effected.

Sections 2—8 of the Bill are transcribed from the Summary Procedure on Bills of Exchange Act (18 & 19 Vic., cap. 67), with such changes as Indian procedure renders necessary or expedient. They will at present only apply to the High Courts in their ordinary original Civil jurisdiction. But as the English Statute has worked so well that it has been extended to the County Courts and Ireland, it is probable that an analogous extension may be found desirable in India, and the present Bill accordingly empowers the Local Governments to extend these sections to the Courts in the Mofussil. The English Statute gives every reasonable opportunity to set up *bonâ fide* defences, while it de-

prives the ordinary class of defendents in actions on bills of exchange and promissory notes of the opportunities which they formerly enjoyed in England, and still enjoy in India, of delaying their creditors and putting them to useless expense. The word 'foreign' has been inserted in the Section corresponding with Section 5 of the English Statute, so as to prevent the recovery of expenses caused by the unnecessary employment of notaries.

Sections 9—12 of the Bill correspond with Sections 3, 4, 6, 7 of the English Statute 19 & 20 Vic., cap. 97. They declare that the consideration for a guarantee need not be in writing—so far modifying the requirements of the Statute of Frauds. They provide that a guarantee to or for a firm shall, except in special cases, cease upon a change in the firm. They further provide that acceptances of all bills, whether inland or foreign, shall be in writing, signed by the acceptor, or some person duly authorized by him. The Bill also declares what bills in British India shall be deemed "Inland Bills," a matter on which some doubt exists.

Section 13, modelled on Section 87 of the Common Law Procedure Act, 1854, empowers the Court, in case of a suit on any lost negotiable instrument, to make a decree in favour of the plaintiff, provided he proves the loss and gives a proper indemnity against the claims of any other person on the instrument.

H. S. MAINE.

The 18th December 1865.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 12th January 1866, and was referred to a Select Committee, with instructions to make their report thereon in six weeks :—

INDIAN RAILWAYS BILL.

ARRANGEMENT OF SECTIONS.

PART I.

Preliminary.

1. Construction.
2. Acts repealed.

PART II.

Regulations as to Passengers, their Fares and Luggage.

3. Fares to be pre-paid.
Passengers' tickets to be given up on demand.
Penalty.
4. Enforcing payment of fare by passenger not producing ticket.
5. At intermediate Stations, fares and tickets to be conditional.
Proviso.
6. Penalty for fraud.
7. Fine for entering carriage in motion.
Or riding on the steps.
8. Fine for riding on engine, tender or baggage-van.
9. Smoking prohibited
10. Penalty for intoxication or nuisance, criminal force, assault or interference with passengers' comfort.
11. Penalty for entering room or carriage set apart for women.
12. Non-liability for passengers' luggage unless booked and paid for.

PART III.

Regulations as to Goods.

13. Non-liability for loss of gold, silver, &c., unless in the case of special engagement.
14. Public notice or private contract not to limit liability.
15. Remedy for non-payment of the carriage of goods.
16. Written account of goods to be given on demand.
17. Penalty for false account.
18. Carriage of goods of a dangerous nature.

PART IV.

Regulations for the protection of the Officers, Servants, and Property of the Company.

19. Penalty for obstructing servant in his duty.
20. Penalty for trespass.
21. Penalty for driving an animal upon or across Railway.
22. Liability of owner of animal trespassing on Railway.
23. Penalty for injury to carriage, &c.
24. Penalty for opening or not properly shutting accommodation gates.
25. Apprehension of offenders by Company's servants.
26. Power for Railway Companies to enter upon adjoining lands to repair accidents.

PART V.

Regulations binding on the Company.

27. Local Government may appoint persons to inspect Railways.
28. Penalty on persons obstructing Inspector.
29. Notices to be given before opening Railway for passenger traffic.
30. Local Government empowered to postpone the opening.
31. Local Government empowered to close dangerous part of opened line.
32. Power to make crossings over Railways.
33. Company to erect and maintain gates.
34. Fine for not erecting or maintaining gates.
35. Power to compel erection or maintenance of gates.
36. Fine for continued neglect to comply with provisions of Sections 33 and 34.
37. Service of summons under Sections 34, 35 or 36.
38. Railway to be fenced.
Quarries and ballast-pits to be fenced or filled in.
Penalty for not fencing or filling in.
39. Duty of Railway Companies to make arrangements for receiving and forwarding traffic without unreasonable delay and without partiality.
40. Parties complaining that reasonable facilities for forwarding traffic, &c., are withheld may apply to the High Court.
41. Notice of death or accident to be given to Government.
42. Fine for not giving notice.
43. Return of accidents to be delivered to Government.
44. Returns of Traffic and Tolls to be made by Railway Companies.
45. Fine for non-delivery of Return.
46. Penalty for continued neglect to give notice or deliver Returns.
47. Service of summons under Section 42, 45 or 46

PART. VI.

Regulations binding on the Officers and Servants of the Company.

48. Penalty for wilful act or omission endangering a passenger.
49. Penalty for wilful act or omission in a Railway Officer.

50. Penalty for drunkenness or breach of duty by Railway Officer.
51. Penalty for an act not wilful.
52. Police Magistrate may, in certain cases, try offences punishable under Sections 50 and 51 with imprisonment.
53. Extent of jurisdiction.
54. Rule of construction of this Act.
55. All Railway servants to be deemed public servants within meaning of Sections 161-165 of Penal Code.
56. Apprehension of offenders.
57. Notice of accidents to be given to Police. Penalty for default.
58. Penalty on Officer of Company making false Return.

PART VII.

As to Fines and Convictions under this Act.

59. Levy of fines under this Act.
60. Power to Government to set-off fines against money payable to Company.
61. Railway Company's servant liable to be summoned where fine imposed on Company in consequence of his negligence or misconduct.
62. Prosecution of Railway servants for offences under this Act. Penalty in default of prosecution.
63. Apportionment of fine between servants of Company.
64. Provision when superior servant also guilty of negligence or misconduct.
65. Levy or set-off of amount of fine payable by servant.
66. Jurisdiction of Magistrate, &c., to fine.
67. Conviction to be quashed on merits only. Form of Conviction, &c.
68. Magistrate may refer case to his Assistant or Deputy.
69. Local Government may authorize Assistant to exercise without reference powers given to him on reference. Proviso.
70. Fines how to be recovered.
71. Jurisdiction in the Madras and Bombay Presidencies.

PART VIII.

Miscellaneous.

72. Company to regulate the use of the Railway.
73. Power to make regulations by bye-laws.
74. Publication of such bye-laws.
75. Such bye-laws to be binding on all parties.
76. Copy and translation of Act, to be shown at Railway Stations.
77. All Indian Railways to be within the Act.

No. 22 OF 1865.

A Bill to consolidate and amend the Laws relating to Railways in India.

Preamble.

Whereas it is expedient that all Railways used for the public conveyance of passengers or goods in any part of India, should be subject to the same regulations; It is enacted as follows:—

PART I.

Preliminary.

Construction.

1. In this Act, unless there be something repugnant in the subject or context—

"Railway." "Railway" includes all Railways and Tramways in India upon which steam or other mechanical power is used, whether such Railways and Tramways be under the superintendence of the Government or not, and whether opened or not for the public conveyance of passengers or goods:

"British India." "British India" means the Territories which are or shall be vested in Her Majesty or her successors under the Statute 21 & 22 Vic., cap. 106 (*An Act for the better government of India*); and "India" shall mean such Territories and also (so far only as regards British subjects within the dominions hereinafter mentioned) the dominions of Princes and States in the East Indies in alliance with Her Majesty or her successors:

"India."

"Magistrate." "Magistrate" includes a Joint Magistrate and any person lawfully exercising the powers of a Magistrate of the first class or a Justice of the Peace. It shall also, in the Presidency Towns of Calcutta, Madras and Bombay, include a Magistrate of Police:

"Conviction." A conviction under this Act before a Justice of the Peace means a summary conviction:

"Imprisonment." "Imprisonment" means imprisonment of either description as defined in the Indian Penal Code:

"Fine." "Fine" includes a sum of money due upon a forfeited recognizance:

"Consulting Engineer." "Consulting Engineer" includes a Deputy or Assistant Consulting Engineer:

"District Superintendent of Police." "District Superintendent of Police" includes an Assistant Superintendent of Police in charge of a Division of a District:

"Company." "Company" includes the proprietors for the time being of any Railway to which this Act applies and their lessees, representatives and assigns:

"Station-Master." "Station-Master" denotes the Officer for the time being in charge of a Railway station:

Number. Gender. Words in the singular number include the plural; words in the plural include the singular; and words importing the masculine gender include females;

"Local Government." And in every part of British India to which this Act shall extend "Local Government" shall mean the person authorized by law to administer Executive Government in such part, and shall include a Chief Commissioner; and "High Court" shall mean the highest Civil Court of Appeal therein.

"High Court."

Acts repealed.

2. Acts No. XVIII of 1854 and No. LII of 1860 are hereby repealed, except in so far as the former Act repeals any other Act, and except as to acts

done, offences committed, and liabilities incurred before the passing of this Act.

PART II.

Regulations as to Passengers, their Fares and Luggage.

Fares to be pre-paid.

3. No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any Officer or servant of the said Company duly authorized to examine the same, and shall deliver up such ticket, upon demand, to any of the Company's Officers or servants duly authorized to collect tickets. Any person not producing or delivering up his ticket, as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled.

Passengers' tickets to be given upon demand.

Penalty.

Enforcing payment of fare by passenger not producing ticket.

4. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section 3 of this Act, may be enforced in the same manner as any fine imposed by this Act.

At intermediate Stations, fares and tickets to be conditional.

5. At the intermediate Stations, the fares shall be deemed to be accepted, and the tickets furnished only upon condition that there be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall have been furnished, those who shall have obtained tickets for the longest distance shall have the preference; and those who shall have obtained tickets for the same distance shall have the preference according to the order in which they shall have received their tickets. Provided that all Officers and troops of Her Majesty on duty, and all other persons on the business of Her Majesty who by virtue of any contract with the late East India Company or Her Majesty shall be entitled to be conveyed on such Railway in preference to, or in priority over, the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which, they shall have received their tickets.

Proviso.

Penalty for fraud.

6. Any person who shall defraud or attempt to defraud any such Railway Company, by travelling, or attempting to travel, upon such Railway, without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof; or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such carriage; or who shall, in any other manner whatever, attempt to evade the payment of his fare, shall be liable to a fine not exceeding fifty Rupees for each offence.

Fine for entering carriage in motion.

Or riding on the steps.

7. Any passenger who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any carriage upon any such Railway, while such carriage is in motion; or who shall ride or attempt to ride upon any such Railway, on the steps, or any other part of a carriage, except on those parts which are intended for the accommodation of passengers, shall be liable to a fine not exceeding twenty Rupees for each offence.

Fine for riding on engine, tender or luggage-van.

8. Any person other than the engine-man, fire-man and assistant fire-man, if any, who, without the special license of the Superintendent of Locomotives, shall ride or attempt to ride upon any Locomotive engine or tender upon any such Railway; and any person other than the guard or breaksman, who, without such license as aforesaid, shall ride or attempt to ride upon such Railway, in or upon any luggage-van or goods-waggon, or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine not exceeding twenty Rupees for each offence.

Smoking prohibited.

9. If any person shall smoke, either on the premises, or in or upon any of the carriages belonging to any such Railway Company, except in places or carriages which may be specially provided for the purpose, he shall be liable to a fine not exceeding twenty Rupees for each offence; and if any person persist in infringing this regulation after being warned to desist by any of the Officers or servants of the Company, such person, in addition to incurring the liability abovementioned, may be removed by any of the Officers or servants of the Company from any such carriage, and from the premises of the Company, and shall forfeit his fare.

Penalty for intoxication or nuisance, criminal force, assault, or interference with passengers' comfort.

10. Any person who shall be in a state of intoxication, or shall commit any nuisance or act of indecency, or shall cause any noise or disturbance, or shall use criminal force or commit an assault, within the meaning of the Indian Penal Code, in any Railway carriage, or upon any part of the premises of any such Railway Company; or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on such Railway, shall be liable to a fine not exceeding twenty Rupees; and in addition to such liability, the offender may be removed by any of the

Officers or servants of the Company from any such carriage, and also from the premises of the Company, and shall forfeit his fare.

Penalty for entering room or carriage set apart for women

11. If any special carriage, or portion of a carriage, or any private room or apartment, shall be provided by any such Railway Company for the exclusive use of females, any male person, who without lawful excuse shall enter such carriage, or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its exclusive appropriation, shall be liable to a fine not exceeding one hundred Rupees, and may be removed therefrom, and also from the premises of the Company, by any of the Officers or servants of the Company, and shall forfeit his fare.

Non-liability for passengers' luggage, unless booked and paid for.

12. No such Railway Company shall in any case be answerable for loss or injury to any passengers' luggage, unless it shall have been booked and separately paid for.

PART III.

Regulations as to Goods.

Non-liability for loss of gold, silver, &c., unless in the case of special engagement.

13. No such Railway Company shall in any case be answerable for loss of or injury to any gold or silver, coined or uncoined, manufactured, or unmanufactured, or any precious stones, jewellery, watches, clocks or time-pieces of any description, trinkets, Government securities, bills of exchange, hundís, promissory notes, Bank-notes, orders or other securities for payment of money, Government stamp-paper, postage stamps, maps, writings, title-deeds, paintings, engravings, pictures, plated articles, glass, china, opium, silks in a manufactured or unmanufactured state, and whether wrought up or not, wrought up with other materials, shawls, lace, or any of them contained in any parcel or package which shall have been delivered to such Railway Company, either to be carried for hire or to accompany the person of any passenger, unless the value and nature of such articles shall have been declared by the person or persons sending or delivering the same, and an increased charge for the safe conveyance of the same shall have accepted by some person specially authorized to enter into such engagements on behalf of the said Railway Company.

Public notice or private contract not to limit liability.

14. The liability of such Railway Company for loss of or injury to any articles or goods to be carried by them, other than those specially provided for by this Act, shall not be deemed or construed to be limited, or in any wise affected by any public notice given or any private contract made by them; but such Railway Company shall be answerable for such loss or injury when it shall have been caused by negligence or misconduct on the part of their agents, Officers or servants.

Remedy for non-payment of the carriage of goods.

15. If any person shall fail to pay on demand any sum due to any such Railway Company for the conveyance of any goods, it shall be lawful for the Company to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Company, any other goods of such person which shall then be on their premises, or shall thereafter come into their possession; and also to sell by public auction sufficient of such goods to realize the sum payable as aforesaid, and all charges and expenses of such detention and sale, and out of the proceeds of the sale, to retain the sum so payable, together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Company may recover any such sum by suit.

Written account of goods to be given on demand.

16. The owner or person having the care of any goods which shall have been carried upon any such Railway, or shall be brought on to the premises of any such Railway Company for the purpose of being carried on their Railway, shall, on demand by any Officer or servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be carried, deliver to such Officer or servant an exact account in writing signed by him of the number or quantity and description of such goods.

Penalty for false account.

17. If any such owner or person as aforesaid shall wilfully fail to give such account to such Officer or servant of the Company, or if he shall wilfully give a false account thereof, he shall for every such offence be liable to a fine not exceeding fifty Rupees for every ton of goods, or for any parcel exceeding one hundred weight; and to a fine not exceeding twenty Rupees for any quantity of goods less than a ton or for any parcel less than one hundredweight.

Carriage of goods of a dangerous nature.

18. No person shall carry upon any such Railway any dangerous goods, or be entitled to require any such Railway Company to carry upon such Railway any luggage or goods which, in the judgment of the Company or any of their Officers or servants, shall be of a dangerous nature; and if any person shall carry upon such Railway any dangerous goods, or shall deliver to such Railway Company any such goods for the purpose of being carried upon such Railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the book-keeper or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding two hundred Rupees for every such offence; and it shall be lawful for any such Company or any of their Officers or servants

to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the Company for the purpose of being carried on the Railway, it shall be lawful for the Company or any of their Officers or servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

PART IV.

Regulations for the Protection of the Officers, Servants and Property of the Company.

Penalty for obstructing servant in his duty.

19. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on such Railway, or any of the works, stations or premises connected therewith, shall be liable to a fine not exceeding fifty Rupees.

Penalty for trespass.

20. Any person who shall trespass upon any such Railway, or upon any of the lands, stations or other premises belonging to the Company, shall be liable to a fine not exceeding twenty Rupees; and if any such person shall refuse to leave such Railway or premises on being requested to do so by any Officer or servant of the Company, or by any other person on behalf of the Company, he shall be liable to a fine not exceeding fifty Rupees, and may be immediately removed from such Railway or premises by such Officer, servant or other person as aforesaid.

Penalty for driving an animal upon or across Railway.

21. Any person who shall wilfully ride, lead or drive upon or across any such Railway, any animal, except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do, shall be liable to a fine not exceeding fifty Rupees for each offence.

Liability of owner of animal trespassing on Railway.

22. The owner of any animal which shall trespass or stray upon any such Railway, or upon any lands belonging to such Railway Company, shall be liable to a fine not exceeding ten Rupees for each animal; and it shall be lawful for the Company, or any of their servants, to take or drive every animal which shall be found so trespassing to the nearest Police Station, there to be detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal be paid, or until a Magistrate shall otherwise order. A Magistrate may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine or such a sum, not exceeding ten Rupees for each animal, as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, and such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding and selling such animal, shall be returned to the owner of the animal on demand.

Penalty for injury to carriage, &c.

23. Any person who shall unlawfully and wilfully remove or deface the number-plates, or remove or extinguish any lamp on any carriage belonging to any such Railway Company; or shall wilfully or negligently damage or injure any carriage, engine, waggon, truck, warehouse, building, machine, fence, or any other matter or thing belonging to such Railway Company, shall be liable to a fine not exceeding fifty Rupees.

Penalty for opening or not properly shutting accommodation gates.

24. If any person for whose use or accommodation any gate shall have been set up by any such Railway Company on either side of such Railway, or any other person, shall open such gate, or pass or attempt to pass, or drive or attempt to drive any carriage, cattle or other animal or thing across the said Railway at a time when any engine or train approaching along the same shall be in sight; or shall at any time omit to shut and fasten such gate, as soon as he and any carriage, cattle or other animal or thing under his charge shall have passed through the same, he shall be liable to a fine not exceeding fifty Rupees.

Apprehension of offenders by Company's servants.

25. If any person shall commit any offence hereby made punishable by fine, and the name and address of such person shall be unknown, or there be reason to believe that the offender will abscond, any Officer or servant of the Company, or any Police Officer, or other person whom such Officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate, or other Officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other Officer, or shall be otherwise discharged by due course of law.

Power for Railway Companies to enter upon adjoining lands to repair accidents.

26. It shall be lawful for the Local Government to empower any Railway Company, in case of any accident or slip happening or being apprehended to any cutting, embankment, or other work belonging to them, to enter upon any lands adjoining their Railway for the purpose of repairing or preventing such accident, and to do such works as may be necessary for the purpose: Provided always, that in case of necessity, it shall be lawful for any Railway Company to enter upon such lands and do such works as aforesaid, without having obtained the previous sanction of the Local Government; but in every such case such Railway Company shall, within forty-eight hours after such entry, make a report to the Local Government, specifying the nature of such accident or apprehended accident and of the works necessary to be done, and such powers shall cease and determine if the Local Government shall, after considering the said report, certify that their exercise is not necessary for the public safety: Provided also, that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch; and full compensation shall be made

to the owners and occupiers of such lands for the loss or injury or inconvenience sustained by them respectively by reason of such works, the amount of which compensation, in case of any dispute about the same, shall be settled in manner provided by Act No. XXII of 1863, Section 33.

PART V.

Regulations binding on the Company.

Local Government may appoint persons to inspect Railways.

27. It shall be lawful for the Local Government, if and when they shall think fit, to authorize any proper Officer to inspect any Railway: and it shall be lawful for every Officer so authorized, at all reasonable times, upon producing his authority, if required, to enter upon and examine the said Railway, and the stations, works, and buildings, and the engines and carriages belonging thereto: Provided always, that no person shall be eligible to the appointment as Inspector as aforesaid who shall within one year of his appointment have been a Director or have held any office of trust or profit under any Railway Company.

Penalty on persons obstructing Inspector.

28. Every person wilfully obstructing any person, duly authorized as aforesaid, in the execution of his duty, shall for every such offence be liable to a fine of one hundred Rupees or to imprisonment for any period not exceeding three calendar months; such imprisonment to be determined on payment of the amount of the fine.

Notices to be given before opening Railway for passenger traffic.

29. No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one calendar month after notice in writing of the intention of opening the same shall have been given by the Company to whom such Railway shall belong to the Local Government, and until ten days after notice in writing shall have been given by the said Company to the Local Government of the time when the said Railway or portion of Railway will be, in their opinion, sufficiently completed for the safe conveyance of passengers and ready for inspection. If any Railway or portion of any Railway shall be opened without such notice as aforesaid, the Company to whom such Railway shall belong shall be liable to a fine of five hundred Rupees for every day during which the same shall continue open until the said notices shall have been duly given and shall have expired.

Penalty for failure to give notice.

Local Government empowered to postpone the opening.

30. If the Officer appointed by the Local Government to inspect any such Railway or portion of a Railway shall, after inspection thereof, report in writing to the Local Government that in his opinion the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the grounds of such opinion, it shall be lawful for the Local Government, from time to time and as often as such Officer shall, after further inspection thereof, so report, to order the Company to whom such Railway shall belong, to postpone such opening for any period not exceeding one calendar month at any one time, until it shall appear to the Local Government that such opening may take place without danger to the public; And if any such Railway or any portion thereof shall be opened contrary to any such order, the Company shall be liable to a fine of five hundred Rupees for every day during which the same shall continue open contrary to such order: Provided that no such order as aforesaid shall be binding upon any Railway Company unless therewith shall be delivered to the Company a copy of the report of the Officer upon which such order shall be founded.

Local Government empowered to close dangerous part of opened line.

31. If any portion of any Railway shall, in the opinion of any such Officer as last hereinbefore mentioned, become so unsafe as that traffic on the same would be attended with danger to the public, the Local Government may, on the receipt of his report in writing to that effect, order the Company to whom such Railway shall belong to close such portion and postpone the re-opening thereof, until it shall appear to the Local Government that such re-opening may take place without danger to the public. And if any such portion or any part thereof shall be re-opened contrary to such order, the Company shall be liable to a fine of five hundred Rupees for every day during which the same shall continue open contrary to such order. Provided that no such order as last aforesaid shall be binding upon any Railway Company unless therewith shall be delivered to the Company a copy of the report of the Officer upon which such order shall be founded.

Power to make crossings over Railways.

32. At any time after a Railway is constructed, it shall be lawful for the Local Government, if it shall think fit, to make roads across the Railway, and every such road shall be either carried over such Railway by means of a bridge of the height and width and with the ascent and descent, approved of by the Consulting Engineer to the Local Government, or it shall cross the Railway on a level. If the road be carried over the Railway by means of a bridge, such bridge with the immediate approaches and all other necessary works connected therewith, shall be made and executed, and at all times thereafter maintained, at the expense of the Local Government. If such road cross the Railway on a level, the gates mentioned and the proper persons directed to be employed in and by the next following Section, shall be erected, maintained and employed at the like expense.

Company to erect and maintain gates.

33. If the Railway cross any road on a level, whether such road be made before or after the construction of the Railway, the Railway Company shall erect, and at all times maintain

good and efficient gates, either across the Railway, or across the road on each side of the Railway, where the same shall communicate with the road, and shall employ proper persons to open and shut such gates. If such gates be across the road, they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages passing along the same, shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway, they shall be kept closed, except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions, and so constructed, as when open to fence in the Railway, and prevent cattle, carriages or passengers from entering upon the Railway. Provided that it shall be lawful for the Local Government in any case to order that the gates shall be across the road or across the Railway, as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly.

Fine for not erecting or maintaining gates.

34. If any Railway Company shall wilfully fail to comply with the provisions of Section 33 of this Act, the said Company shall be liable to be summoned before a Magistrate, and shall, on conviction before such Magistrate be liable to a fine not exceeding two hundred Rupees for every such failure.

Power to compel erection or maintenance of gates.

35. If any Railway Company shall fail, whether wilfully or not, to erect or maintain good and efficient gates according to the provisions of Section 33 of this Act, or to employ proper persons to open and shut them, any Magistrate may, after a summons for that purpose shall have been served on the said Company, order the Company to erect or maintain such gates within a time to be specified in the order. Such order may be made by a Magistrate whether the Railway Company itself shall have been charged with, or convicted of wilful failure under Section 34 of this Act or not. In case of wilful failure on the part of the Railway Company to comply with such order, they shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred Rupees for every day that they shall have wilfully failed to comply therewith.

Fine for continued neglect to comply with provisions of Sections 33 and 34.

36. If after any conviction under Section 34 or Section 35 of this Act, the Railway Company so convicted, shall, without lawful excuse, the burden of proving which shall be upon the said Company, neglect within seven days to perform the acts for wilful failure to do which it shall have been convicted, it shall be liable to be again from time to time summoned before a Magistrate, and upon conviction of such continued neglect, shall be liable to a fine not exceeding three hundred Rupees for every day during which such neglect shall have continued since the date of the former conviction, or if more than one conviction shall take place under this Section, since the date of the last preceding conviction.

Service of summons under Section 34, 35 or 36.

37. Any summons issued under Section 34, Section 35 or Section 36 of this Act, may be served upon the Railway Company, either by leaving the same at the Railway Station nearest to the place where the failure or omission shall have occurred, or by leaving the same at the Head Office of the said Railway Company, or by serving the same on the principal Agent or Manager of the Company in India.

Railway to be fenced.

38. Every such Railway Company shall be bound to erect and maintain good and sufficient fences on each side of their Railway; or, failing therein, shall be liable to a fine not exceeding fifty Rupees for every offence. Every such Railway Company shall also be bound either to erect and maintain a good and sufficient fence around any quarry or ballast-pit which they shall have excavated and which, in the opinion of any Magistrate, shall be dangerous to the public, or to fill in such excavation: And it shall be lawful for a Magistrate or Justice of the Peace to order the Company to erect or repair any such fence on each side of the said Railway or around the said quarry or ballast-pit or to fill in any such excavation, within a time to be specified in the order, and upon failure of the Company to comply with such order, they shall be liable to a fine not exceeding fifty Rupees for every day that they fail so to do.

Quarries and ballast-pits to be fenced or filled in.

Penalty for not fencing or filling in.

Duty of Railway Companies to make arrangements for receiving and forwarding traffic without unreasonable delay and without partiality.

39. Every Railway Company shall afford all reasonable facilities for the receiving and forwarding and delivering of traffic upon and from the Railway belonging to or worked by such Company and for the return of carriages, trucks, and other vehicles, and no such Company shall make or give any undue or unreasonable preference or advantage to or in favour of any particular person or Company, or any particular description of traffic, in any respect whatsoever, nor shall any such Company subject any particular person or Company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; and every Railway Company having or working a Railway which forms part of a continuous line of Railway communication, or which has the Terminus or Station of the one near the Terminus or Station of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such Railways by the other, without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction may be offered to the public desirous of using such Railways as a continuous line of communication, and so that all reasonable accommodation may, by means of the Railways of the several Companies, be at all times afforded to the public in that behalf.

40. It shall be lawful for the Advocate General or any other person authorized to act for the Local Government in respect of any judicial proceeding, or for any Company or person complaining against any Railway Companies or Company of anything done, or of any omission made in violation or contravention of this Act, to apply, in a summary way, by motion or summons to the High Court, and it shall be lawful for such Court to hear and determine the matter of such complaint; and for that purpose, if such Court shall think fit, to direct and prosecute, in such mode and by such Engineers, Barristers or other persons as they shall think proper, all such inquiries as may be deemed necessary to enable such Court to form a just judgment on the matter of such complaint; and if it be made to appear to such Court on such hearing, or on the report of any such person, that anything has been done or omission made, in violation or contravention of this Act by such Companies or Company, it shall be lawful for such Court to issue an injunction restraining such Companies or Company from further continuing such violation or contravention of this Act, and enjoining obedience to the same; and in case of disobedience of any such injunction, it shall be lawful for such Court to enforce the same by imprisoning the Agent or Manager of any Company, or any owner, lessee, contractor, or other person failing to obey such injunction, for a term not exceeding two years; and such Court may also, if it shall think fit, make an order directing the payment by any one or more of such Companies of such sum of money as such Court shall determine, not exceeding for each Company the sum of two thousand Rupees for every day, after a day to be named in the order, that such Companies or Company shall fail to obey such injunction, and such monies shall be payable as the Court may direct, either to the party complaining, or into Court to abide the ultimate decision of the Court, or to Her Majesty, and payment thereof may, without prejudice to any other mode of recovering the same, be enforced in like manner as if the same had been recovered by decree in any High Court; and in any such proceeding as aforesaid, such Court may order and determine that all or any costs thereof or thereon incurred shall and may be paid by or to the one party or the other, as such Court shall think fit, and it shall be lawful for any such Engineer, Barrister, or other person, if directed so to do by such Court, to receive evidence on oath or affirmation relating to the matter of any such inquiry, and to administer such oath or affirmation.

Parties complaining that reasonable facilities for forwarding traffic, &c., are withheld, may apply to the High Court.

41. Every Railway Company shall, within forty-eight hours after the occurrence upon the Railway or in or upon any of the stations, sheds, sidings, carriages or other property belonging to such Company, of any death or any accident attended with serious personal injury, give notice thereof to the Local Government and also to the Consulting Engineer to such Government.

Notice of death or accident to be given to Government.

42. If any such Company omit to give such notice, the said Company shall be liable to be summoned before any Magistrate, and shall, on conviction before such Magistrate, be liable to a fine not exceeding fifty Rupees for every day during which such Magistrate shall find the said omission to have continued.

Fine for not giving notice.

43. The Local Government may order and direct any such Railway Company to make up and deliver to them a Return of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, or in the construction, maintenance or repair of the line, whether attended with personal injury or not, in such form or manner as the Government shall deem necessary, or require for their information, with a view to the public safety.

Return of accidents to be delivered to Government.

44. The Local Government may also order and direct every Railway Company to make and deliver to them Returns, according to a form to be provided by such Government, of the aggregate traffic in passengers, according to the several classes, and of the aggregate traffic in cattle and goods respectively, on the Railway, and also a table of all tolls, rates, and charges from time to time levied on each class of passengers, and on cattle and goods, conveyed on the Railway: Provided always, that such Returns shall be required, in like manner and at the same time, from all the said Companies, unless the Local Government shall specially exempt any of the said Companies, and shall enter the grounds of such exemption in the Minutes of their Proceedings.

Returns of traffic and tolls to be made by Railway Companies.

45. If any Return required by this Act shall not be so delivered within fourteen days after the same shall have been required by the Government, the said Company shall be liable to be summoned before a Magistrate, and upon conviction before such Magistrate, shall be liable to a fine not exceeding fifty Rupees for every day during which the said Magistrate shall find that the said Company has omitted, after the expiration of fourteen days from the date of such requisition, to deliver the said Return.

Fine for non-delivery of Return.

46. If after any conviction of any failure or omission under Section 41 or Section 45 of this Act, the Railway Company so convicted shall, without lawful excuse, the burden of proving which shall be on the said Company, neglect within seven days to give the notice or deliver the Return for the omission to give or deliver which it shall have been convicted, the said Company shall be liable to be again from time to time summoned before a Magistrate, and upon conviction of such continued neglect, shall be liable to a fine not exceeding the sum of Rupees seventy-five for every day during which the neglect shall have continued from the date of the former conviction, or if more than one conviction shall take place under this Section, since the date of the last preceding conviction.

Penalty for continued neglect to give notice or deliver Return.

47. Any summons issued under Section 42, Section 45 or Section 46 of this Act may be served upon the said Railway Company by leaving the same at the Head Office of the said Railway Company, or by serving the same on the principal Agent or Manager of the said Railway Company in India.

Service of summons under Section 42, 45 or 46.

PART VI.

Regulations binding on the Officers and Servants of the Company.

48. Whoever, whether an Officer or servant of any such Company or not, shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause the safety of any person travelling or being upon any such Railway to be endangered, shall be liable to transportation for life, or to imprisonment for any term not exceeding seven years. Whoever shall abet any such act or omission, within the meaning of Sections 107 and 108 of the Indian Penal Code, shall be punishable as if the act or omission had been contrary to the provisions of such Code.

Penalty for wilful act or omission endangering a passenger.

49. If any Officer or servant of such Railway Company shall wilfully do any act which he is legally prohibited from doing, or shall wilfully or negligently omit to do what he is legally bound to do, and if in consequence of such act or omission, the safety of any person travelling or being upon such Railway shall be endangered, such Officer or servant shall be liable to imprisonment for any term not exceeding three years, or to fine, or to both.

Penalty for wilful act or omission in a Railway Officer.

50. Any Officer or servant of such Railway Company, who shall be in a state of intoxication whilst actually employed upon the Railway, or any of the works connected therewith, in the discharge of any duty, and any Officer or servant of such Company who negligently shall omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding fifty Rupees; and if the duty in any of the cases in this Section above-mentioned be such that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway, such Officer or servant, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding one year, or to fine, or to both.

Penalty for drunkenness or breach of duty by Railway Officer.

51. If any person shall rashly or negligently, and without lawful excuse, do any act which shall be likely to endanger the safety of any person travelling or being upon such Railway, he shall, upon conviction before a Magistrate, be liable to imprisonment for a term not exceeding one year, or to fine, or to both. Whoever shall abet any such act within the meaning of Sections 107 and 108 of the Indian Penal Code, shall be punishable as if the act had been contrary to the provisions of such Code.

Penalty for an act not wilful.

52. If any person is charged before a Police Magistrate of a Presidency Town with committing any offence, which under Section 50 or Section 51 of this Act, is punishable on conviction with imprisonment, and if such Police Magistrate shall deem it probable that, in consequence of the probable departure of any material witness from the local limits of the jurisdiction of such Magistrate, the prosecution of such offender in the High Court will be ineffectual, such Magistrate may try the offender, and on conviction may award a sentence not exceeding six months' imprisonment.

Police Magistrate may in certain cases try offences punishable under Sections 50 and 51 with imprisonment.

53. The jurisdiction given to Police Magistrates under the last preceding Section may be exercised, whether the offence shall be charged to have been committed within the local limits of the jurisdiction of such Magistrates or not, and any person hereby made punishable by a Police Magistrate shall be punishable upon summary conviction, but such jurisdiction shall only be exercised if the witnesses necessary for the prosecution of the offender are to be found within the local limits of the jurisdiction of the Police Magistrate before whom the offender is charged.

Extent of jurisdiction.

54. In the construction of this Act, every Officer and servant of such Railway Company shall be deemed to be legally bound to do everything necessary for, or conducive to the safety of the public, which he shall be required to do by any regulation which shall be made by the Company, and allowed by the Governor-General of India in Council, and of which regulation such Officer or servant shall have notice; and every such Officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such regulation he shall be prohibited from doing; and every person employed by or on behalf of such Railway Company to do any act upon the Railway, shall be deemed to be a servant of the Company.

Rule of construction of this Act.

55. Every Officer and servant of any such Railway Company shall be deemed a "public servant" within the meaning of Sections 161, 162, 163, 164 and 165 of the Indian Penal Code.

All Railway servants to be deemed public servants within meaning of Sections 161 to 165 of Penal Code.

56. Every person who shall be guilty of any offence mentioned in Sections 48, 49, 50 and 51 of this Act, may be lawfully apprehended, without any warrant or written authority, by any Officer or servant of the Company, or by any other person whom such Officer or servant shall call to his aid, or by any Police Officer of such grade as shall by any law in force for the time being be entrusted in any case with the power of arrest without a warrant;

Apprehension of offenders.

and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate or Justice of Peace, or other Officer lawfully authorized to punish the offender or to commit him for trial.

Notice of accidents to be given to Police.

57. Within twelve hours after the occurrence upon the Railway or in or upon any of the stations, sheds, sidings, carriages or other property belonging to such Company, of any death or accident, act or omission causing or likely to cause serious personal injury or serious loss of or injury to goods carried thereon, the Station-master at the station nearest to the place of the occurrence shall give notice thereof in writing to the District Superintendent of Police and the Police Station nearest to such place; and if any Station-master shall wilfully omit to give such notice, he shall be liable to a fine of fifty Rupees for every day during which the omission to give the same shall continue.

Penalty for default.

Penalty on Officer of Company making false return.

58. Every Officer of any Railway Company who shall wilfully make any false Return required under this Act to the Local Government, shall be liable to imprisonment for any term not exceeding three years, or to fine, or to both.

PART VII.

As to Fines and Convictions under this Act.

Levy of fines under this Act.

59. All fines imposed under the authority of this Act upon a Railway Company, or upon an officer or servant of a Railway Company may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the Railway Company, by warrant under seal of the Magistrate who shall have imposed the fine, or in case of his absence, sickness or death, by any other Magistrate.

Power to Government to set-off fines against money payable to Company.

60. Whenever a Railway Company shall be convicted and sentenced to pay any fine under this Act, it shall be lawful for the Local Government, if it shall think fit, to set-off and retain the amount of such fine against and out of any money payable to the said Railway Company by or on behalf of the Secretary of State for India in Council. Provided always, that no right of set-off or retainer shall exist in respect of any interest on the paid-up capital of the Company, which shall be payable by the Secretary of State for India in Council to the Railway Company, under any agreement with the said Company, or in respect of any sum payable by the said Secretary of State for India in Council to the Company in England.

Railway Company's servant liable to be summoned where fine imposed on Company in consequence of his negligence or misconduct.

61. In case any fine shall be imposed upon any Railway Company under this Act, and the failure, omission or neglect, for which the same shall be imposed shall have been caused by the negligence or wilful misconduct of any of their servants, such servant shall be liable to be summoned, on the complaint of the said Railway Company, before a Magistrate, and upon proof to the satisfaction of the said Magistrate that the said failure, omission or neglect, was caused by the negligence or wilful misconduct of such servant, it shall be lawful for the said Magistrate to order that such servant shall make good and reimburse to the said Railway Company the amount of the said fine when it shall have been paid by it.

Prosecution of Railway servants for offences under this Act.

62. Whenever any servant of a Railway Company shall be guilty of any act or omission contrary to the provisions of this Act, or by reason of which any accident causing or likely to cause serious personal injury to the public using the Railway, or serious loss of or injury to goods carried thereon, the Company shall give notice thereof to the Local Government and (if such Government shall so direct) shall prosecute such servant before a Magistrate. If any Company shall wilfully omit to give such notice, or if (after being directed as aforesaid) it shall fail to institute and complete such prosecution, every such Company shall be liable, on conviction before a Magistrate, to a fine not exceeding one thousand Rupees.

Penalty in default of prosecution.

Apportionment of fine between servants of Company.

63. If two or more servants of the Railway Company shall be summoned at the same time under Section 61 of this Act, and shall be convicted by the said Magistrate, it shall be lawful for the said Magistrate to apportion the amount of the fine imposed upon the said Company between the several servants, having regard to the degree of negligence of which they have been guilty, and to their rate of pay and rank in the service of the said Company, and to determine how much of the said fine shall be paid or borne by each of the defendants.

Provision when superior servant also guilty of negligence or misconduct.

64. Provided always that, if it shall appear to the said Magistrate, that although the said servants have been guilty of negligence or wilful misconduct, the failure, omission or neglect by the Railway Company would not have occurred but for the negligence or misconduct of some other servants of the Railway Company, superior in rank or in the amount of pay to the servants so summoned, and that such superior servant is capable of being summoned, the Magistrate shall not make any order to pay the amount against the servants so summoned as aforesaid, until such superior servant shall have been also summoned under the said Section 61, and shall adjourn the case for the purpose of issuing such summons. Upon the return of the said summons, the Magistrate may adjudicate upon the case according to the provisions of Section 61 of this Act, both as regards the servant or servants originally summoned and the superior servants subsequently summoned.

Levy or set-off if amount of fine payable by servant.

65. In case of a conviction under Section 61, 63 or 64 of this Act, it shall be lawful for the Railway Company either to proceed to levy the amount ordered to be paid by such

servant by sale of the goods and chattels of such servant, and if necessary by commitment of the said servant according to the provisions of Section 70 of this Act, or, if it shall think fit, to set-off and retain the amount so ordered to be paid, or any part thereof, against, or out of, any money payable from time to time by the said Railway Company to the said servant, and if such money shall not be sufficient for that purpose, to proceed to levy the unpaid residue of the amount so ordered to be paid, by distress and sale, or by commitment as aforesaid. Provided always, that no warrant or order shall be signed or granted by any Magistrate for the issue of any distress against such servant, or for the detention or confinement of such servant, unless the said Magistrate shall be satisfied that the Railway Company has paid or satisfied the fine as ordered to be paid by it as aforesaid.

Jurisdiction of Magistrate, &c., to fine.

66. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such Officer or not; and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

Conviction to be quashed on merits only. Form of conviction, &c.

67. No conviction, order or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions.

Magistrate may refer case to his Assistant or Deputy.

68. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant; and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistant or Deputy Magistrate, acting judicially.

Local Government may authorize Assistant to exercise without reference, powers given to them on reference.

69. The Local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one calendar month from the date of conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

Proviso.

Fines how to be recovered.

70. All fines imposed under the authority of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers. In case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the such Officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Jurisdiction in the Madras and Bombay Presidencies.

71. The heads of District Police and Ameens of Police in the Presidency of Madras, and District or joint Police Officers in the Presidency of Bombay, may punish, to the extent of the powers conferred upon them respectively in petty offences, any offence hereby made punishable by fine not exceeding twenty Rupees.

PART VIII.

Miscellaneous.

Company to regulate the use of the Railway.

72. It shall be lawful for any such Company, from time to time, subject to the provisions of this Act, to make regulations for the following purposes: (that is to say)—

For regulating the mode by which, and the speed at which, carriages using the Railway are to be moved or propelled;

For regulating the times of the arrival and departure of any such carriages;

For regulating the lighting, loading or unloading of such carriages, and the number of passengers or the weights which such carriages are respectively to carry;

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages;

And, generally, for regulating the travelling upon, or using and working of the Railway;

But no such regulation shall authorize the closing of the Railway, or prevent the passage of engines or carriages on the Railway at reasonable times, except at any time when, in consequence of any of the works being out of repair, or from any other sufficient cause, it shall be necessary to close the Railway, or any part thereof.

Power to make regulations by bye-laws.

73. For better enforcing the observance of all or any of such regulations, it shall be lawful for the Company to make bye-laws, and from time to time to repeal or alter such bye-laws, and make others, provided that such bye-laws be not repugnant to the laws of British India, or to the provisions of this Act and be confirmed or allowed by the Local Government; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Company; and any person offending against any such bye-law shall be liable for every such offence to a fine not exceeding fifty Rupees, to be imposed by the Company in such bye-laws as a penalty for any such offence, and if the infraction or non-observance of any such bye-law or other such regulation as aforesaid, be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the Railway, it shall be lawful for the Company summarily to interfere to obviate or remove such danger, annoyance or hindrance, and that without prejudice to any penalty incurred by the infraction of any such bye-law.

Publication of such bye-laws.

74. The substance of such last mentioned bye-laws, when confirmed or allowed by the Local Government shall be painted on boards or printed on paper in English and the vernacular language of the District, and pasted on boards and hung up and affixed and continued on the front or other conspicuous part of every Station belonging to the Company, according to the nature or subject-matter of such bye-laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby, and such boards shall from time to time be renewed as often as the bye-laws thereon or any part thereof shall be obliterated or destroyed. No fine imposed by any such bye-laws shall be recoverable, unless the same shall have been published and kept published in manner aforesaid.

Such bye-laws to be binding on all parties.

75. Such bye-laws, when so confirmed, published and affixed, shall be binding upon, and be observed by, all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such bye-laws, it shall be sufficient to prove that a printed paper or printed board, containing a copy of such bye-laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

Copy and translation of Act to be shown at Railway Stations.

76. A copy of this Act, and of the General Regulations, Time Tables, and Tariff of charges, which shall from time to time be published by any Railway Company with the sanction of the Local Government, shall be exhibited in some conspicuous place at each Station of every Railway, so that they may be easily seen and read, and all such documents shall be so exhibited in English and in the vernacular language of the District in which the Station is situate, and in such other language, if any, as shall be required by order of the Local Government.

All Indian Railways to be within the Act.

77. Every Railway within India used for the public conveyance of passengers or goods, shall, until the contrary be proved, be presumed to be a Railway within the meaning of this Act; and every Company to whom any such Railway shall belong shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to consolidate and amend the law relating to Railways in India. It repeals and re-enacts, with the necessary alterations and additions, Act No. XVIII of 1854 with the amending Act No. LII of 1860.

The principal alterations are the following:—

Act XVIII of 1854 only applies to the Railways working under the superintendence of Government. The present Bill applies to all Indian Railways and Tramways, whether under the superintendence of Government or not, and whether opened or not for traffic.

The Act only applies to the Territories in the possession and under the government of the Company. The Bill applies not only to the Territories vested in Her Majesty under 21 & 22 Vic., Cap. 106, but also (so far as regards British subjects) to the dominions of allied Princes and States in the East Indies.

The chief additions are as follows:—

Opium has been added to the list of articles mentioned in Section 10 of the Act, for the loss of which the Company is not liable in the absence of a special contract.

The Local Government, like the Board of Trade under 5 & 6 Vic., Cap. 55, Section 14, is empowered to authorize Railway Companies to enter upon adjoining lands to repair accidents. The Local Government is also to appoint a proper Officer to inspect any Railway, and a penalty is imposed on persons obstructing such Inspector. These provisions are taken from the Statute 3 & 4 Vic., Cap. 97, Sections 5 and 6. Before opening any Railway for passenger traffic, a month's notice in writing is to be given by the Company to the Local Government. The Local Government is empowered to

postpone the opening. Here again English statutory provisions have been adopted. When a line has been opened and becomes unsafe in any part, the Local Government is empowered to close such part until it may be re-opened with safety.

Provision is made to compel the Companies to erect and maintain the gates mentioned in Section 19 of the Act, and to employ proper persons to open and shut them. Dangerous quarries and ballast-pits are to be fenced or filled up.

The Companies are required to make arrangements for receiving and forwarding traffic without unreasonable delay, and without partiality, and persons complaining that reasonable facilities for forwarding traffic, &c., are withheld, may apply to the High Court. The provisions on this head are taken, with the necessary modifications, from the English Statute 17 & 18 Vic., Cap. 31.

The Companies are required, within forty-eight hours, to give notice to the Local Government and the Consulting Engineer, of any death or serious accident upon the Railway. They will also have to make Returns of such accidents, and of the aggregate traffic in passengers, cattle, and goods. Tables of tolls are also to be made and delivered to Government. Such traffic returns and tables are required in England by Statute 3 & 4 Vic., Cap. 97.

As to Railway servants, the Bill provides that they are to be deemed "public servants" within the meaning of Sections 161—165 of the Indian Penal Code. This, it is hoped, will discourage the practice of accepting bribes to forward goods, which is said to prevail to a serious extent. The Bill also contains provisions requiring Station Masters to give notice of accidents to the Police, and imposes penalties on Railway Officers making false Returns. As to fines and convictions, the principal additions are a power to Government to set-off fines on a Company against money payable to the Company by the Secretary of State for India. This, of course, is not to apply to guaranteed interest on the paid-up capital of the Company. The Bill also contains provisions as to the liability of a Railway Company's servant when a fine is imposed on the Company in consequence of his neglect: as to the prosecution of such servants for offences under the Bill: as to the apportionment of fines between them where an offence has been jointly committed; and as to the levy or set-off by the Company of the amount of fine payable by any such servant.

Lastly, the Bill empowers the Companies to make bye-laws to regulate the use of the Railways and provides for the publication and enforcement of such bye-laws.

With these additions to the Railway law and with the provisions as to fines necessary to give them effect, the Bill has become so lengthy as to render it desirable to divide it into parts with titles. Part I contains some preliminary provisions. Part II, regulations as to passengers, their fares, and luggage. Part III, regulations as to goods. Part IV, the regulations for the protection of the Officers, servants, and property of Railway Companies. Part V, the regulations binding on the Companies. Part VI, the regulations binding on Railway Officers and servants. Part VII relates to fines and convictions under the Act; and Part VIII contains some miscellaneous enactments, including the provisions as to bye-laws.

G. N. TAYLOR.

The 2nd January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 12th January 1866, and is hereby promulgated for general information :—

ACT No. II OF 1866.

An Act to amend Act No. II of 1865.

Preamble.

Whereas it is expedient to amend Act No. II of 1865 (*to provide for the maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere*); It is enacted as follows :—

Power to the Collector to assess the proprietor where the latter has not made any or an insufficient assessment under Section 2 of Act No. II of 1865.

1. If any proprietor of an estate, authorized to make an assessment under the second Section of the said Act shall fail altogether to make such assessment, or shall assess under the said Section a sum which the Collector of the District in which such estate is situate shall consider inadequate, it shall be lawful for such Collector to assess upon such estate for the purposes aforesaid, a sum payable yearly by the proprietor, not exceeding nine-tenths of the amount which might have been raised in each year under the said Section. Such assessment shall be exclusive of the Municipal cess or per-centage mentioned in the sixth Section of the said Act.

Local Government empowered to make rules as to extent and exercise of the authority conferred by Section 1.

2. The Local Government may from time to time lay down rules respecting the extent and exercise of the authority conferred by the last preceding Section, and such authority shall be subject to the rules aforesaid.

This Act to be construed with Act No. II of 1865.

3. This Act shall be read and taken as part of the said Act No. II of 1865.

Short title.

4. This Act shall be called "The Rural Police Act Amendment Act, 1866."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

No. 131.

Fort William, the 8th January 1866.

NOTIFICATIONS.

Mr. A. G. Grote, Extra Assistant Commissioner, 3rd Grade, in Oudh, is invested with the powers of a Subordinate Magistrate of the 2nd Class, as described in Section 22, Act XXV of 1861.

No. 133.

Mr. John George Charles, appointed by the Secretary of State for India a Member of Her Majesty's Civil Service on the Bengal Establishment, reported, on the 15th December, his arrival at the Sandheads on the 13th idem.

No. 134.

The services of the Reverend Joseph Spear, B. A., Junior Chaplain on the Bengal Establishment, are placed at the disposal of the Government of the North-Western Provinces.

No. 138.

Pundit Dya Nidhan, Tuhseeldar of the Lucknow Tuhseelee, is invested with the powers of a Subordinate Magistrate of the 2nd Class, as described in Section 22, Act XXV of 1861, to be exercised within the limits of that Tuhseelee.

No. 140.

The Governor General in Council is pleased to permit Mr. R. J. Wigram to resign the Civil Service from the 4th of August.

No. 271.

The 10th January 1866.

Ecclesiastical.—The Reverend G. G. Gillan, appointed by the Secretary of State for India an Assistant Chaplain of the Church of Scotland on the Bengal Establishment, reported his arrival, on the 5th instant, per Steamer *Bengal*, which reached the Sandheads on the 3rd idem.

No. 277.

The Reverend W. B. Drawbridge, a Junior Chaplain on the Bengal Establishment, reported his return from leave, on the 3rd instant, per Steam Ship *Bengal*.

Mr. Drawbridge's services are placed at the disposal of the Government of the North-Western Provinces.

No. 316.

The 11th January 1866.

Appointment.—Lieutenant W. J. Heaviside, R. E., to be 2nd Assistant in the Great Trigonometrical Survey of India.

No. 319.

Captain B. W. Ryall, District Superintendent of Police, Lucknow, returned, on the afternoon of the 31st ultimo, from the two months' privilege leave granted to him in Notification No. 4403 dated the 24th of November.

No. 321.

The leave of absence on furlough, granted to Mr. Alexander Wood Russell, of the Civil Service, in April 1864, is extended from two to three years.

No. 324.

The 12th January 1866.

Captain C. F. Sharpe, District Superintendent of Police, Gonda, in Oudh, has obtained privilege leave for one month from the 20th instant, or from such subsequent date as he may avail himself of it.

No. 377.

The Reverend A. Garstin, a Chaplain on the Bengal Establishment, reported his return from leave, on the 13th ultimo, per Steam Ship *Delhi*.

Mr. Garstin is appointed to the Station of Thyet Myo, in British Burmah.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

GENERAL.

No. 44.

Fort William, the 10th January 1866.

The following promotions in the British Burmah Commission are sanctioned by the Governor General in Council :—

Mr. J. Treacy, Supernumerary Assistant Commissioner, 2nd Grade, to be Assistant Commissioner, 1st Grade, vice Major Bayly, with effect from the 24th August 1865.

Mr. G. E. Barr, Assistant Commissioner, 3rd Grade, to be Supernumerary Assistant Commissioner, 2nd Grade, vice Mr. Treacy, with effect from the above date.

No. 46.

N. Gopaul Ayengar, 4th Class Assistant Superintendent, in the Mysore Commission, has obtained leave of absence, on medical certificate, for six months, from the 3rd December 1865.

No. 52.

The 11th January 1866.

Mr. W. C. Wood, Officiating Deputy Commissioner of Pertabgurh, is granted one year's furlough to Europe under para. 12th, Clause 2nd of the New Uncovenanted Service Absentee Rules, from the 1st proximo, or the date on which he may avail himself of it, together with 16 days' preparatory leave to reach the port of embarkation.

No. 60.

The 12th January 1866.

Mr. J. W. S. Wyllie, Under Secretary to the Government of India, in the Foreign Department, returned to the Bengal Presidency on the 18th December 1865, and obtained leave from that date to the 3rd instant, to enable him to rejoin his appointment.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 124.

Fort William, the 11th January 1866.

NOTIFICATIONS.

Appointment.—Mr. J. Taylor to act for Mr. G. W. Macleod in the Office of the Accountant General, Bengal, as an Officer of the 5th Class of the Department of Account, with effect from the 1st September 1865.

No. 126.

Mr. H. Hudson, 3rd Assistant Accountant General to the Government of India, at present acting as Auditor and Accountant at Mysore, to be Deputy Accountant General, Mysore.

No. 146.

The 12th January 1866.

Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency.

Date of Returns.	Circles of Issue.	Notes in Circulation.	Silver Coin Reserve.	Gold Coin Reserve.	Silver Bullion Reserve.	Government Securities held in Calcutta.	Notes of other Circles.
1865.							
Dec. 30th	Calcutta Circle ...	3,13,89,810	52,20,371	...	1,03,00,000	1,54,70,019	3,99,420
„ „	Allahabad Branch ditto ...	29,73,120	18,69,829	...	...	11,03,291	...
„ 23rd	Lahore ditto ditto .	46,10,570	39,10,533	...	...	7,00,037	...
„ „	Nagpore ditto ditto ...	17,70,770	12,22,889	...	...	5,47,881	...
„ 30th	Madras Circle ...	55,00,000	12,13,885	...	1,20,000	40,02,845	1,63,270
„ „	Calicut Branch ditto ...	3,51,460	2,51.401	...	...	1,00,059	...
„ „	Trichinopoly ditto ditto ...	4,15,140	3,15,081	..	...	1,00,059	...
„ „	Vizagapatam ditto ditto ...	3,89,860	2,89,801	...	...	1,00,059	...
„ „	Bombay Circle ...	2,60,45,000	19,83,718	15,50,000	51,70,000	1,72,78,282	63,000
„ „	Kurrachee ditto ...	11,42,400	7,42,400	..	...	4,00,000	...
		7,45,88,130	1,70,19,908	15,50,000	1,55,90,000	3,98,02,532	6,25,690
	Deduct Notes of other Circles cashed at Head Offices ...	6,25,690	...	...	...	...	...
	Total ...	7,39,62,440	1,70,19,908	15,50,000	1,55,90,000	3,98,02,532	6,25,690

(Signed) H. HYDE,

Head Commissioner, Department of Issue of Paper Currency.

DEPARTMENT OF ISSUE OF PAPER CURRENCY;
CALCUTTA,
Dated 2nd January 1866.

No. 147.

The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in November 1865, is published for general information :—

	Calcutta.			Madras.			Bombay.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchts.		Govt.	Merchts.		Govt.	Merchts.	
In Nov. 1865 ...	2,76,165	59,63,020	52,62,680	933	84,170	1,27,000	...	73,12,754	72,97,898

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 6th January 1866.

No. 22 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Captain W. M. Lees, of the Bengal Staff Corps, Deputy Judge Advocate General, Oudh Division, to officiate as 2nd Assistant Secretary to the Government of India, in the Military Department, during the period Major A. B. Johnson may officiate as 1st Assistant Secretary, or until further orders.

No. 23 *of* 1866.—The under-mentioned Officer is permitted to proceed hence to Europe on leave of absence on sick certificate :—

Assistant Surgeon Augustin FitzGerald, of the Medical Department.	For 20 months, under the new Regulations.

This cancels Government General Order No. 1074 of the 21st November last, permitting Assistant Surgeon FitzGerald to embark at Madras with leave from 3rd April 1865.

No. 24 *of* 1866.—Major Henry Daniel Maunsell, of the late 62nd Native Infantry, is permitted to proceed to Europe on private affairs under the old Regulations for the residue of the furlough on the same account, granted to him in Government General Order No. 194 of the 4th March 1853.

No. 25 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Surgeon Major Hugh Martin Macpherson, Fel. u. c., of the Medical Department, Secretary to the Principal Inspector General, Medical Department. Assistant Surgeon John Jones, M. D., of the Medical Department, Civil Assistant Surgeon, Cawnpore.	For 20 months, under the new Regulations.

The 8th January 1866.

No. 26 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments :—

Hyderabad Contingent.

2nd Cavalry.

Captain H. Watson, 2nd in Command, to officiate as Commandant, during the absence on sick leave to Europe of Major H. Clerk, or until further orders.

Lieutenant W. J. Bell, Adjutant, 2nd Cavalry, and officiating 2nd in Command, 1st Cavalry, to officiate as 2nd in Command, vice Captain Watson.

No. 27 *of* 1866.—The under-mentioned Out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pensions is to be made and charged accordingly :—

	Rate of pension per diem.
Sergeant John Fitzpatrick, late of the 22nd Brigade, Royal Artillery.	2*s.* (two shillings) from the date on which he ceases to receive Regimental pay or allowance.

Gunner William Connor, late of D. Battery, 16th Brigade, Royal Artillery.	1s. (one shilling) from the date on which he ceases to receive Regimental pay or allowance.

No. 28 *of* 1866.—The following Extracts from the *London Gazettes* of the 7th and 10th November 1865, are published for general information:—

INDIA OFFICE,
6th November 1865.

Her Majesty has been pleased to approve of the following Alterations of Rank amongst the Officers of Her Majesty's Indian Military Forces, and of the Staff Corps:—

Brevet.

Major Edward Penfold Arthur, Bombay Staff Corps, to be Lieutenant Colonel; Captain Benjamin Campbell Hitchins, Royal (Madras) Artillery, to be Major, in succession to Lieutenant General Sir S. W. Steel, K. C. B., Madras Infantry, deceased, dated 12th March 1865.

Major Henry LePoer French, Bengal Infantry, to be Lieutenant Colonel; Captain John Harvey Elwyn, Royal (Madras) Artillery, to be Major, in succession to General R. C. Andree, Bengal Infantry, deceased, dated 28th March 1865.

Major George Whittle Mackenzie Hall, Bengal Staff Corps, to be Lieutenant Colonel; Captain Thomas Mowbray Baumgartner, Bombay Staff Corps, to be Major, in succession to Major General J. Matthie, Bengal Infantry, deceased, dated 29th March 1865.

Major James Alphonse Collier, Bombay Staff Corps, to be Lieutenant Colonel; Captain Thomas Henry Stoddard, Madras Staff Corps, to be Major, in succession to General M. Boyd, Bengal Infantry, deceased, dated 9th April 1865.

BENGAL ARMY.

To be Lieutenant Colonel.

Major Henry Dinning, late 71st Native Infantry, dated 10th July 1865.

To be Major.

Captain George Leith Fraser, Bengal Staff Corps, dated 4th July 1865.

BENGAL STAFF CORPS.

ADMISSIONS.

To be Captains.

Captain William Munnings Lees, 23rd Foot, dated 26th March 1858.

Second Captain George Charles Depree, Royal (Bengal) Artillery, dated 27th August 1858.

Captain (Brevet Major) John James Hood Gordon, 46th Foot, dated 2nd December 1859.

Captain Robert Joseph Logan Crutchley, 79th Foot, dated 9th March 1860.

To be Lieutenants.

Lieutenant (Brevet Captain) William Playfair, late 43rd Native Infantry, dated 1st April 1856.

Lieutenant Charles O'Loughlin L. Prendergast, 52nd Foot, dated 11th September 1857.

Lieutenant George Scott Hills, late 38th Native Infantry, dated 18th May 1858.

Lieutenant Adolphus Vallings, 108th Foot, dated 24th May 1859.

Lieutenant Charles Harley Bridges, late 15th Native Infantry, dated 15th July 1859.

Lieutenant John Butler, General List, Infantry, dated 16th July 1862.

PROMOTIONS.

To be Lieutenant Colonels.

Major Andrew Macqueen, dated 18th June 1865.
Major Henry Mein Wilson, dated 6th July 1865.

To be Major.

Captain John Perkins, dated 16th June 1865.

To be Captain.

Lieutenant (Brevet Captain) Frederic Nicolas Miles, dated 18th June 1865.

BENGAL ARMY.

PROMOTIONS.

Cavalry.

Major Charles Henry Nicholetts, from late 1st European Cavalry, to be Lieutenant Colonel, vice Tucker, promoted to Major General, dated 9th April 1865.

Late 1st Cavalry.

Lieutenant Richard Graham Birch, to be Captain, in succession to Tucker, promoted to Major General, dated 9th April 1865.

Infantry.

Major (Brevet Lieutenant Colonel) Joseph Pater Paterson Truscott Hawkey, from the late 74th Native Infantry, to be Lieutenant Colonel, vice Mainwaring, promoted to Major General, dated 28th March 1865.

Late 29th Native Infantry.

Captain (Brevet Lieutenant Colonel) Charles Samuel John Terrot, to be Major; Lieutenant Henry St. George Tucker, to be Captain, in succession to Whish, deceased, dated 6th July 1865.

ALTERATION OF RANK.

Infantry.

Lieutenant Colonel F. W. Baugh, to take rank from 12th March 1865.

Late 3rd European Regiment.

Major (Brevet Lieutenant Colonel) Edwin Thomas, to take rank from 12th March 1865.

Captain (Brevet Major) Samuel Dewe White, to take rank from 12th March 1865.

WAR OFFICE, *Pall Mall,*
10th November 1865.

Ensign George Edmonds, Unattached List, Bengal Army, to be Lieutenant, dated 10th November 1865.

Brevet.

Captain Francis Booth Norman, Bengal Staff Corps, to be Major, dated 10th November 1865.

Captain William Macdonald, late 25th Bengal Native Infantry, District Superintendent of Police, 3rd Class, to be Major, dated 10th November 1865.

Captain John Ruggles, late 41st Bengal Native Infantry, Officiating Commandant, 19th Bengal Native Infantry, to be Major; dated 10th November 1865.

No. 29 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Francis Henry Goold, of the late 47th Regiment Native Infantry.	For 20 months, under the new Regulations.
Lieutenant Edward Harvey, of the Royal Engineers, Assistant Engineer, 2nd Grade, Department Public Works.	

The 9th January 1866.

No. 30 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Assistant Surgeon James Fairweather, M. D., of the Medical Department, in medical charge of the 4th Punjab Cavalry.	For 2 years, under the new Regulations, from the date subsequent to the 20th March 1866, on which he may embark at Bombay.

No. 31 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Major (Brevet Lieutenant Colonel) Frederick Charles Barber, of the 29th Regiment Madras Native Infantry.	For 2 years, under the old Regulations.

The 10th January 1866.

No. 32 *of* 1866.—With reference to the notification dated 3rd instant, issued by the Government of Bengal, the services of Lieutenant R. C. Beavan, of the late 62nd Native Infantry, Probationary Assistant Revenue Surveyor, are placed at the disposal of His Excellency the Commander-in-Chief.

No. 33 *of* 1866.—The under-mentioned Officers and Warrant Officer are permitted to proceed to Europe on leave of absence on sick certificate :—

Principal Inspector General Henry Alexander Bruce, M. D., FEL. U. C., of the Medical Department.	For 20 months, under the new Regulations.
Surgeon Alexander Russell Atkinson, M. D., of the Medical Department.	For 2 years, under the old Regulations.
Hospital Steward Thomas Alexander Earle, of the Sub-Medical Department.	For 1 year.

No. 34 *of* 1866.—Lieutenant E. T. Fortescue, of the late 34th Native Infantry, is allowed an extension of leave from the 17th October to the 22nd November 1865, the date on which he reported his return to Bengal from sick leave to Europe.

No. 35 *of* 1866.—The under-mentioned Officers having completed twenty-six years' service, eight years of which were on permanent staff employ, to be Lieutenant Colonels, from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Major J. B. Dennys ...	3rd January 1866.
„ J. R. Pughe ...	
„ G. G. Moxon ...	
„ B. P. Lloyd ...	

No. 36 *of* 1866.—The under-mentioned Officers having completed twenty years' service, six years of which were on permanent staff employ, to be Majors, from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain (Brevet Major) G. L. Fraser, 6th January 1866.

Captain (Brevet Major) J. M. Mackenzie, 9th January 1866.

No. 37 *of* 1866.—The under-mentioned Officer of the Royal Engineers, who has been placed under orders for duty in the Bengal Presidency, reported his arrival on the date specified opposite to his name :—

	Date of arrival at Fort William.
Lieutenant William Sinclair Smith Bisset.	23rd December 1865.

No. 38 *of* 1866.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Captain (Brevet Major) Bendyshe Walton, of Her Majesty's 38th Foot, Military Storekeeper, Calcutta.	8th August 1864.

No. 39 *of* 1866.—Inspector General of Hospitals W. A. Green, officiated as Principal Inspector General of the Medical Department, from the 23rd November to the 3rd December 1865, in addition to his other duties, pending the arrival of Dr. Bruce, appointed to the latter post by Government General Order No. 1093 of the 24th November 1865.

The 11th January 1866.

No. 40 *of* 1866.—The services of Assistant Surgeon J. Duncan, M. D., are placed temporarily at the disposal of the Government of Bengal.

No. 41 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Captain William Fairlie Fergusson, of the late 5th European Light Cavalry, Officiating 2nd in Command and Squadron Officer, 15th Bengal Cavalry.	For 20 months, under the new Regulations.

The 12th January 1866.

No. 42 *of* 1866.—The following promotions and alterations of rank are made in the Subordinate Medical Department :—

PROMOTIONS.

Rank and Names.	Rank to which promoted.	From what date.	In whose room.
Hospital Apprentice J. R. Cobden	Assistant Apothy.	21st July 1864 ...	Assistant Apothy. H. Russell, promoted.
Assistant Apothecary W. R. Gray	Hospital Steward...	27th Sept. 1865 ...	Senior Hospital Steward A. Gibson, pensioned.

* ALTERATIONS.

Rank and Names.	To rank from	In whose room.
Assistant Apothy. A. Connolly	8th August 1864.	Assistant Apothy. J. V. Volkers, deceased.
" H. I. Finnamore ...	29th Sept. "	" D. Cunningham, promoted.
" C. E. Bradshaw	28th January 1865.	" H. Cant, deceased.
" W. Beards	16th March "	" J. Maher, promoted.
" L. W. Duffy (deceased) ...	17th " "	" P. J. Coyne, dismissed.
" R. Johnson	30th " "	" G. Knott, "
" J. A. Elliott	2nd May "	" C. Young, "
" J. Pollock	9th " "	" W. Wilkinson, "
" W. Sims	18th " "	" L. W. Duffy, deceased.
" S. Pollock	6th July "	" F. Sanders, promoted.
" J. H. Reid	26th " "	" J. Hawks, resigned.
" S. Jackson	1st August "	" R. Kennelly, promoted.
" J. G. Fleming	13th " "	" M. Morley, "
" J. McNaught	31st " "	" G. Blackburn, "
" W. Deardon (deceased) ...	27th Sept. "	" W. R. Gray, "
" E. A. Thompson ...	11th October "	" W. Deardon, deceased.
" R. A. Fleming	14h November "	" J. A. Ellis, resigned.

N. B.—The promotion of Assistant Apothecary T. M. Sullivan to the rank of Hospital Steward, notified in General Order by the Governor General, No. 1002 of 3rd November, is cancelled.

* The promotions and date of rank notified in Government General Orders Nos. 589 and 1002, dated respectively the 13th June and 3rd November 1865, are hereby cancelled.

No. 43 *of* 1866.—The under-mentioned Soldiers of Her Majesty's Service are permitted to reside and draw their pay in India as out-pensioners of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of their pensions :—

Drummer James Desmond.

Private Joseph Milwood, of Her Majesty's 104th Foot.

No. 44 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Major J. A. Steel, of the Bengal Staff Corps. Captain J. Gillespie, of the Bengal Staff Corps. Captain G. Wheeler, of the Bengal Staff Corps. Captain W. G. Keppel, of the late 6th European Regiment. Captain T. W. R. Boisragon, of the Bengal Staff Corps, Commandant, 30th Regiment Native Infantry. Surgeon J. C. Collins, of the Medical Department.	4th Jan. 1866.
Surgeon J. Ewart, M. D., of the Medical Department, Professor of Anatomy, Physiology, &c., in the Medical College, Calcutta. Assistant Surgeon A. V. Best, M. D., of the Medical Department, Civil, Raneegunge. Veterinary-Surgeon W. Johnson, Veterinary Department.	4th Jan. 1866.

No. 45 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Assistant Surgeon Alfred Adams Mantell, M. D., of the Medical Department, Civil, Burdwan.	For 12 months, under the new Regulations.

No. 46 *of* 1866.—The leave of absence on medical certificate granted to Assistant Surgeon J. M. Cameron, of the Medical Department, Civil Assistant Surgeon, Monghyr, in Government General Order No. 886 of the 26th September 1865, is extended to the 30th April 1866.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

Calcutta, the 10th January 1866.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned, Non-Commissioned Officers and Soldiers, as specified in the Statement published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned Officers and Soldiers of Her Majesty's Indian Military Service, in the month of December 1865.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange.
	Commissioned Officers.						Rs. A. P.		Rs. A. P.					
21st Dec. 1865.	Edward Knatchbull ...	Lieutenant ...	Late 18th Regt. N. I. ...	...	25th July 1865	Intestate	1,114 11 6	...	1,114 11 6					
" " "	(a) Burke Cuppage ..	Captain ...	Late 3rd Bengal Eur. Cavy.	.	8th " 1864	Ditto	20 0 0	...	20 0 0					
" " "	Frederick Durie Boileau ..	Lieutenant ...	Genl. List of Infy., attached to 17th Bengal Cavy. .	...	9th Nov. 1865	...	1,033 3 0	...	1,033 3 0					
29th " "	(b) Edward Dudley Oliver ...	Captain ...	H. M.'s 51st Light Infy.	..	1st Aug. "	Intestate	515 8 0	...	515 8 0					
" " "	(c) Francis John Hassard ...	Lieutenant ...	H. M.'s 94th Regiment ..	...	28th " "	Ditto	498 5 11	..	498 5 11					
	Non-Commissioned Officer and Soldiers.													
1st " "	(d) Henry Keough ...	Gunner ...	E. I. Battalion ...	2381	18th Oct. "	Intestate	22 11 0	...	22 11 0					
5th " "	(e) George Measdon ...	Ditto ...	3rd Co., 2nd Bn. Bl. Arty.	..	27th Nov. 1857	Not known	25 7 2	...	25 7 2					
29th " "	(f) Joseph Anderson ...	Sergeant ...	Local Artillery ...	...	6th June 1865	Intestate	372 9 3	...	372 9 3					
" " "	(g) Henry Convale ...	Gunner ...	E. I. Battalion ...	8632	7th Nov. "	Testate	137 3 0	...	137 3 0					
	Total, Rs. ...	.....	.....	...	...	...	3,739 10 10	...	3,739 10 10					

(a) Next of kin, father, Major General Burke Cuppage, Governor of Jersey.
(b) Next of kin, John Oliver, Esq., Cherrymount Oboca, Ireland.
(c) Next of kin, father, John Hassard, Esq., Bellefield Kelpeddar, Greystones; County Wicklow.
(d) Next of kin, unknown.
(e) Next of kin, not known.
(f) Daughters. Jane and Margaret Anderson, at Saugor.
(g) Mother, Mrs. Elizabeth Convale, Ballagroobey, County Derby, Ireland.

FORT WILLIAM;
PAY OFFICE,
The 31st December 1865.

C. F. M. MUNDY, *Lieut. Colonel,*
Presidency Pay Master.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

NOTIFICATION.

Calcutta, the 10th January 1866.

Under Clause 26 of the Regulations appended to the Regimental Debts' Act of 1863, it is notified that reports of the deaths of the under-mentioned Officers, and Warrant Officer on the dates specified, were received in the Military Department during the month of December 1865 :—

Corps.	Rank and Names.	Date of decease.	Place of decease.
Royal (Bengal) Artillery	Captain H. R. Brownlow ...	4th Nov. 1865 ..	At Allahabad.
54th Foot ...	Capt. and Bt. Major J. J. Gordon...	17th „ „ ...	„ Fort William.
42nd „ ...	Lieutenant J. J. Peter ...	12th „ „ ...	„ Attock.
General List, Infantry ...	„ F. D. Boileau ...	9th „ „ ...	„ Sonepore.
Department Public Works	Sub-Conductor J. Adams ...	15th Oct. „ ...	„ Rangoon.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 7.

Fort William, the 5th January 1866.

NOTIFICATIONS.

Mr. H. Buchan, Accountant, 4th Grade, Mysore, has been allowed one month's privilege leave, with effect from the 20th December 1865.

No. 8.

The 6th January 1866.

Sergeant W. Jenkins, Supervisor, 2nd Grade, having resumed duty in the 1st Circle, North-Western Provinces, on the 27th October 1865, the unexpired portion of the leave granted to him in Public Works Department Notification No. 275, dated 31st July 1865, is hereby cancelled.

No. 9.

Mr. E. S. W. Dunn is appointed an Accountant of the 4th Grade, on probation, and posted to the Office of the Accountant General, Public Works Department, with effect from 3rd December 1865.

No. 10.

The under-mentioned persons, appointed in Notification No. 343 of 26th September 1865 Accountants of the 4th Grade on probation, and posted to the Central Provinces, are confirmed in those appointments, with effect from the dates specified :—

Baboo Judunath Banerjee, from 6th October 1865.

Moonaloll Pundit, from 21st October 1865.

No. 11.

The 9th January 1866.

The under-mentioned are appointed to hte Public Works Department as Accountants of the 4th Grade, and posted to Mysore :—

Mr. A. Grant, B. C. E., with effect from the 16th November 1865.

Mr. E. Lacey.

No. 12.

The 12th January 1866.

B. Panpiah Noidoo and T. Chuckrapany Pillay are appointed Accountants of the 4th grade in the Public Works Department, on probation, and posted to Mysore.

C. H. DICKENS, *Lieut. Col.,* R. A.,
Secy. to the Govt. of India.

Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

THE under-mentioned Students have passed the First Examination in Arts :—

FIRST DIVISION.

In Order of Merit.

1	Gopal Chundra Shaha	...	Calcutta Free Church Institution.
2	Taruck Nauth Mitter	...	Presidency College.
3	Mohendro Nath Dutt	...	Ditto.
4	E. R. T. Teiry	...	Doveton College.
5	Jogendro Nauth Chowdhry	..	Presidency College.
6.	Juggut Doorlub Bysack	...	Ditto.
7	Cally Doss Bhunjo	...	Ditto.
8	Shib Chunder Banerjea	...	Patna College.
9	Juggut Bundhu Dutt	...	Dacca College.
10	Joykristo Sen	...	Presidency College.
11	Kristo Behary Sen	...	Ditto.
12	Rutton Chand	..	Agra College.
13	Francis Beven	...	Queen's College, Colombo.
14	Protool Chunder Chatterjea	...	General Assembly's Institution.
15	S. N. Banerjea	...	Doveton College.
16	Ram Doorlub Khan	...	Presidency College.
	Opendro Nauth Mitter	..	Ditto.
18	Mohindro Nauth Banerjea	...	Ditto.
	Tara Nauth Chuckerbutty	...	Cathedral Mission College.
20	Gopaul Loll Mookerjea	...	Presidency College.
	Mothoora Nauth Chatterjea	...	Dacca College.
22	Gopaul Chunder Goopto	..	Presidency College.
23	Chunder Coomar Roy	...	Ditto.
	Juggobundhu Laha	...	Dacca College.
25	Mohendro Nauth Bose	...	Hooghly College.
26	Sham Kissore Bose	...	Dacca College.
27	Joggut Chunder Doss	...	Presidency College.
	J. Basten	...	Lahore Mission School.

SECOND DIVISION.

In Alphabetical Odrer.

	Ahmud	...	Doveton College.
	Amrito Coomar Surbadhicary	...	Sanscrit College.
	Anund Gopaul Sen	...	Kishnaghur College.
	Aubinash Chunder Chatterjea	...	Presidency College.
	Aubinash Chunder Mitter	...	Ditto.
	Aubinash Chunder Mookerjea	...	Hooghly College.
	Bacharam Ghose	...	Calcutta Free Church Institution.
	Behary Lall Baboo	...	Ditto.
	Behary Lall Bose	...	Presidency College.
10	Behary Lall Ghose	..	Kishnagur College.
	Behary Lall Mullick	...	Hooghly College.
	Benode Behary Chowdhry	..	Presidency College.
	Benode Behary Mitter	..	Ditto.
	Bharun Pershad	...	Delhi College.
	Bharut Chunder Dutt	...	Dacca College.
	Bhobany Churn Dutt	...	Presidency College.
	Bhola Nauth Bose	...	Berhampore College.
	Bhola Nauth Dey	...	Presidency College.
	Bhola Nauth Mookerjee	...	Kishnagur College.
20	Bhoobun Mohun Sen	...	Calcutta Free Church Institution.
	Bhoop Sen Sing	...	Presidency College.
	Bippro Doss Mokerjee	..	Kishnaghur College.
	Bishwa Nauth	...	Teacher.
	Bolye Chund Dutt	..	Presidency College.
	Bunku Behary Paul	...	Teacher.
	Baroda Gobind Sen	...	Berhampore College.
	Baroda Prosad Buxee	...	Ditto.
	Baroda Prosad Ghose	..	Queen's College, Benares.
	Butto Behary Banerjee	...	Presidency College.

30	Bykunto Nauth Doss	Dacca College.
	Cally Comar Doss	Presidency College.
	Cally Prosonno Bose	General Assembly's Institution.
	Choiton Kristo Naug	Calcutta Free Church Institution.
	Chunder Bhoosun Chuckerbutty	Kishnaghur College.
	Chunder Shekhor	Bareilly College.
	Comola Canto Sen	Presidency College.
	Comola Canto Sen	Teacher.
	Coonjo Behary Naug	Berhampore College.
	Deno Nauth Doss	Calcutta Free Church Institution.
40	Deno Nauth Dutt	General Assembly's Institution.
	Dhone Kristo Dey	Hooghly College.
	Dolall Chunder Dey	Dacca College.
	Doorga Churn Chatterjea	Teacher.
	Doorga Dose Mookerjea	Hooghly College.
	Doorga Narain Ghose	Calcutta Free Church Institution.
	Doorga Nauth Bagchee	Berhampore College
	Dwarka Nauth Bose	Dacca College.
	Dwarka Nauth Sircar	Teacher.
	Eshan Chunder Chuckerbutty	Dacca College.
50	Ferdinands, W. P.	Queen's College, Colombo.
	Fuckeer Chunder Sircar	Presidency College.
	Fuzlool Qudeer	Ditto.
	Fuzlur Rouff	General Assembly's Institution.
	Gobin Chunder Dutt	Presidency College.
	Gobindo Chunder Doss	Dacca College.
	Goolzar Behary	St. John's College, Agra.
	Grish Chunder Mozoomdar	General Assembly's Institution.
	Hera Loll Bagjee	Serampore College.
	Hit Kishore	Agra College.
60	Horee Churn Banerjea	Presidency College.
	Hur Narayana	Teacher.
	Hurro Nauth Bhuttacharjea	Presidency College.
	Hurry Churn Doss	Teacher.
	Hurry Churn Chuckerbutty	Dacca College.
	Jadub Chunder Goshwami	Presidency College.
	Jodoo Nauth Ghose	Teacher.
	Jodoo Nauth Chuckerbutty	General Assembly's Institution.
	Jodoo Nundun Sen	Berhampore College.
	Jogesh Chunder Dutt	Presidency College.
70	Jogesh Chunder Ghose	Ditto.
	Johori Lall Samonto	Calcutta Free Church Institution.
	Joy Gopal Chowdry	Presidency College.
	Juggodish Chunder Bose	Berhampore College.
	Juggut Chunder Banerjea	Presidency College.
	Kailasa Chunder Dutt	Sanscrit College.
	Kali Coomar Mitter	Teacher.
	Kally Dhone Chatterjea	Presidency College.
	Kally Kristo Chowdry	Ditto.
	Kedar Nauth Woopadhia	Calcutta Free Church Institution.
80	Khetter Chunder Ghose	Hooghly College.
	Khettro Mohun Sengupta	Sanscrit College.
	Kishory Mohun Roy	Presidency College.
	Koylash Chunder Banerjea	Patna College.
	Koylash Chunder Sen	Dacca College.
	Kristo Doss Banerjea	Serampore College.
	Kristo Kishore Dey	Presidency College.
	Lewis, G.	Lahore Mission School.
	Mohammed Wajed	General Assembly's Institution.
	Mohim Chunder Ghose	Kishnaghur College.
90	Mohim Chunder Joardar	Berhampore College.
	Mohima Chunder Mozoomdar	Kishnaghur College.
	Mohindro Chunder Mozoomdar	Berhampore College.
	Mohindro Lall Ghose	Hooghly College.
	Mokhoda Prosaûd Ghose	Kishnaghur College.
	Mudun Mohun	Bareilly College.
	Nepaul Chunder Bose	Presidency College.
	Nil Comul Newgy	Dacca College.
	Nobin Chunder Banerjea	Patna College.
	Nobin Chunder Bose	General Assembly's Institution.
100	Nobin Chunder Mitter	Hooghly College.
	Nobin Chunder Mitter	Teacher.

	Nobin Chuder Sen	...	Presidency College.
	Norendro Nauth Chowdhry	...	Ditto.
	Okhoy Coomar Mullick	...	Ditto.
	Omesh Chunder Chowdry	...	Dacca College.
	Omesh Chunder Ghose	...	Kishnaghur College.
	Oodoy Chunder Bose	...	Presidency College.
	Opendro Chunder Deb	...	Ditto.
	Opendro Lall Bose	...	Ditto.
110	Opendro Nauth Ghose	...	Queen's College, Benares.
	Parbutty Coomar Chand	...	Dacca College.
	Pearai Lall Pundit	...	Lahore College.
	Peary Mohun Bose	...	Dacca College.
	Poorno Chunder Chuckerbutty	...	Medical College.
	Poorno Chunder Lahiry	...	Kishnaghur College.
	Prem Nauth Pundit	...	Lahore Mission School.
	Preo Nauth Banerjee	...	Kishnaghur College.
	Preo Nauth Mitter	...	Calcutta Free Church Institution.
	Preo Nauth Mullick	...	Presidency College.
120	Probhat Nauth Roy	...	Dacca College.
	Promotho Nauth Doss	...	General Assembly's Institution.
	Prosanno Coomar Chatterjea	..	Sanscrit College.
	Prosunno Coomar Bose	...	Calcutta Free Church Institution.
	Prosunno Coomar Chand	...	Dacca College.
	Prosunno Coomar Mitter	...	Kishnaghur College.
	Purmeshree Doss	..	Bareilly College.
	Radharomun Biswsa	...	Presidency College.
	Raj Coomar Mookerjea	..	Dacca College.
	Raj Krishto Mookerjea	...	Presidency College.
130	Raj Mohun Sircar	...	Dacca College.
	Raj Narain Chuckerbutty	...	Teacher.
	Rajendro Loll Goopto	...	Hooghly College.
	Ramgoti Goopto	..	Calcutta Free Church Institution.
	Ram Jadub Tolapatro	...	Berhampore College.
	Ram Jewan	...	Teacher.
	Ram Jodoo Bhattacharjea	..	Ditto.
	Ram Loll Shanyal	...	Cathedral Mission College.
	Ram Roop Ghose	...	Queen's College, Benares.
	Ram Rutten Pattock	...	Berhampore College.
140	Rhedoy Churn Bose	...	Calcutta Free Church Institution.
	Roma Nauth Ghose	...	Hooghly College.
	Rughoobuns Sahay	...	Patna College.
	Sanjhi Mull	..	Lahore College.
	Saroda Prosad Chatterjea	...	Hooghly College.
	Saroda Prosad Chatterjea	...	Presidency College.
	Shaikh Muffizuddin	...	Hooghly College.
	Shama Podo Chowdry	...	Presidency College.
	Shib Doss Bhuttacharjea	...	Serampore College.
	Shoshee Bhoosun Banerjea	...	Dacca College.
150	Shoshee Bhoosun Bose, I.	...	Hooghly College.
	Shoshee Bhoosun Chatterjea	...	Presidency College.
	Shoshee Bhoosun Dutt	...	Ditto.
	Shoshee Bhoosun Sircar	...	Kishnaghur College.
	Shyama Churn Ghose	...	Calcutta Free Church Institution.
	Sitta Nauth Bose	...	Berhampore College.
	Sohun Lall	..	Delhi College.
	Soolukhun Mull	..	Lahore Mission School.
	Soondur Lall	..	Bareilly College.
	Soorjo Canto Mitter	...	Cathedral Mission College.
160	Sree Nauth Doss	...	Presidency College.
	Sree Nauth Goopta	...	Dacca College.
	Sree Nauth Paul	..	Hooghly College.
	Sree Ram	...	Delhi College.
	Sreesh Chunder Roy	...	Berhampore College.
	Surrut Chunder Mozoomdar	..	Dacca College,
	Tara Pudo Banerjea	...	Kishnaghur College.
	Tara Prosonno Ghose	...	Calcutta Free Church Institution.
	Thackoor Doss Ruckhit	..	Teacher.
	Thakur Doss	..	Lahore Mission School.
170	Trigoono Prosaud Bose	...	Berhampore College.
	Troylukha Nauth Mitter	...	Calcutta Free Church Institution.
	Uttol Behary Ghose	...	Cathedral Mission College.
	Wooma Prosaud Dey	..	Teacher.
174	Younan, John	..	Presidency College.

The under-mentioned Students have passed the Entrance Examination :—

FIRST DIVISION.

In Alphabetical Order.

	Abdool Baqi	... Calcutta Mudrissa.
	Addy Nauth Chand	... Bangla Bazaar Aided School.
	Amrito Laul Ghose	... Konnugger School.
	Anund Nauth Mozoomdar	.. Dacca Collegiate School.
	Aushootoss Rooder	... Colootollah Branch School.
	Ballock Kishen Bose	... Metropolitan Institution.
	Bama Churn Dutt	.. Mahanad Free Church Mission School.
	Bama Churn Naug	... Hindu School.
	Bankai Behary	... St. John's College, Agra.
10	Bepin Behary Sen	... Hooghly Branch School.
	Bepin Kristo Bose	... Metropolitan Institution.
	Bhagut Sing	... Guzrat Government School.
	Bhoobun Mohun Sen	... Pogose School.
	Cally Canto Chatterjea	... General Assembly's Institution.
	Cheda Lall	... Bareilly College.
	Chunder Mohun Chuckerbutty	... Berhampore Collegiate School.
	Chundy Churn Dutt	... Hindu School.
	D'Sullivan, E.	... St. Xavier's College.
	Debendro Nauth Ghose	... Calcutta Training Academy.
20	Doree Lall	... Bareilly College.
	Gokul Prashad	... Ditto.
	Golab Roy	.. Canning College, Lucknow.
	Golap Chundra Sircar	.. Sanscrit College.
	Gopal Chunder Ghosal	... Calcutta Free Church Institution.
	Gordhun	.. Ajmere School.
	Grija Bhoosun Mookerjea	... Patna Collegiate School.
	Hazari Lall	... Ajmere School.
	Hur Churn Chowdhry	... Chittagong School.
	Jeetendro Nauth Chatterjea	... Hooghly Branch School.
30	John Das	... Joy Narain's College.
	Juggodishur Goopto	... Kishnaghur Collegiate School.
	Khetter Mohun Sadhookhan	... Hooghly Collegiate School.
	Kishen Loll, II.	... Bareilly College.
	Lall Gopaul Sen	... Kishnaghur Anglo-Vernacular School.
	Lall Mohun Ghose	... Kishnaghur Collegiate School.
	Lally Mohun Ruckhit	... Hindu School.
	Mohummed Ali Reza Khan	... Saugor School.
	Money Mohun Banerjea	... Hooghly Collegiate School.
	Niaz Ahmed	... Bareilly College.
40	Nobo Coomar Mookerjee	... Ooterparah School.
	Nobo Kissen Banerjee	... Berhampore Collegiate School.
	Nundo Laul Seal	... Hooghly Collegiate School.
	Nundo Laul Sircar	... Juggutbullubpore School.
	Opendro Nauth Bose	.. Hindu School.
	Opendro Nauth Chatterjea	... Ditto.
	Opendro Nauth Gangooly	... Ooterparah School.
	Parbutty Churn Shamonto	... Howrah School.
	Preo Nauth Chatterjea	... Cuttack School.
	Preo Nauth Dutt	... General Assembly's Institution.
50	Prosonno Coomar Saniel	... Coomercolly School.
	Pudma Nana Ghosal	... Hooghly Collegiate School.
	Radha Nauth Roy	... Hindu School.
	Sharoda Churn Mitter	... Colootollah Branch School.
	Shib Chunder Bhuttacharjea	... Balasore School.
	Shiva Nauth Banerjea	... Queen's College, Benares.
	Shooresh Chunder Ghose	... Colootollah Branch School.
	Shreesh Chunder Chowdhry	... Ditto.
	Taij Paul	... Agra College.
59	Wootton, W. H.	... Doveton College.

SECOND DIVISON.

In Alphabetical Order.

Abdool Bary	... Garden Reach School.
Abdool Hye, Moulvie	... Teacher.
Abdoor Ruheem	... Kishnaghur Anglo-Vernacular School.
Abid Hossein	... Patna Collegiate School.

	Ajodhya Proshad	... Queen's College, Benares.
	Anund Chunder Banerjea	... Dacca Collegiate School.
	Anund Chunder Chatterjea	... Baraset School.
	Anund Nauth Sen	... Pogose School.
	Aubinash Chunder Chatterjea	... Chinsurah Free Church Institution.
10	Aubinash Chunder Mookerjea	... Hooghly Branch School.
	Aughore Chunder Chatterjea	... Metropolitan Institution.
	Aughore Nauth Mookerjea	... Ooterparah School.
	Aughore Nauth Mookerjea	... Jonye Training School.
	Aughore Nauth Sen	... Chinsurah Free Church Institution.
	Aukhoy Coomar Bose	... Tagoria School.
	Aukhoy Coomar Chatterjea	... Bogra School.
	Aukhoy Coomar Dutt	... Hindu School.
	Aukhoy Coomar Mitter	... Queen's College, Benares.
	Aukhoy Coomar Shaha	... Calcutta Free Church Institution.
20	Aushiny Coomar Banerjea	... General Assembly's Institution.
	Aushiny Coomar Gooho	... Burrisaul School.
	Autol Behary Bysack	... Khajah Abdool Gunny's School.
	Bacharam Banerjea	... Barrackpore School.
	Bal Mokoond	... Loodiana Mission School.
	Bala Krishna	... Queen's College, Benares.
	Bama Churn Chatterjea	... Colootollah Branch School.
	Bama Churn Roy	... Cutwa School.
	Bama Churn Sen	... Bauleah School.
	Baney Madub Banerjea	... Burdwan Moharaja's School.
30	Baney Madub Banerjea	... Cuttack School.
	Baney Madub Bose	.. Myapore School.
	Baney Madub Bose	.. Hindu School.
	Baney Madub Bysack	... Calcutta College.
	Baney Madub Sircar	.. Bauleah School.
	Barlow, A.	... St. Xavier's College.
	Behary Lall	... Ajmere School.
	Behary Lall Gangooly	.. Oriental Seminary.
	Behary Lall Goopto	.. Calcutta Training Academy.
	Bejoy Coomar Chuckerbutty	... General Assembly's Institution.
40	Benjamin Brojo Mohun Sircar	... Burdwan C. M. S. Institution.
	Benode Behary Benerjea	... Baraset School.
	Benode Behary Bose	... Cathedral Mission College.
	Benode Lall Banerjea	... Hindu School.
	Benoy Kishna Dutt	.. Cathedral Mission College.
	Bepin Behary Dutt	... Metropolitan Institution.
	Bepin Behary Mookerjea	... Barrackpore School.
	Bepin Behary Mullick	.. Private Student.
	Bhaddra Nauth Shookul	... Kishnaghur Collegiate School.
	Bhobany Coomar Sen	... Calcutta College.
50	Bhola Nauth	.. St. Stephen's College, Delhi.
	Bhola Nauth Banerjea	. Colootollah Branch School.
	Bhoobuneshur Dhaw	... Calcutta Training Academy.
	Bhoobun Mohun Banerjea	... Ooterparah School.
	Bhoobun Mohun Gangooly	... Bullagur School.
	Bhoopendro Nauth Dey	.. Hooghly Collegiate School.
	Bhooth Nauth Mookerjea	. Behala School.
	Bidhoo Bhoosun Biswas	... Kishnaghur Collegiate School.
	Binode Lall Chatterjea	. Teacher.
	Birch, T. E.	... Ditto.
60	Birj Kishore	... Sarun School.
	Bishen Sing	... Umritsur School.
	Bishtoo Chunder Chatterjea	... Bagnaparah School.
	Bonomally Chatterjea	... South Baharoo School.
	Brindabun Chunder Ghose	... Colootollah Branch School.
	Brindershwari Prasad	... Joy Narain's College, Benares.
	Brojo Loll Mookerjea	.. Kandee School.
	Brojo Loll Mookerjea	... Kishnughur Anglo Vernacular School.
	Brojo Nauth Roy	.. Colootollah Branch School.
	Brojo Sham Mozoomdar	.. Canning Academy.
70	Brojo Soonder Mitter	... Kandee School.
	Buldeo Prasad	.. Bareilly College.
	Bulloram Dey	... Metropolitan Institution.
	Bungshee Dhur Goopto	... Sarun School.
	Bunko Behary Bose	... Noral School.
	Burroda Canto Bose	... Private Student.
	Bussunto Coomar Bose	... Dacca Collegiate School.
	Cally Comul Sandial	... Bograh School.
	Cally Coomar Banerjea	... Patna Collegiate School.
	Cally Dass Goon	... Dacca Collegiate School.

80	Cally Nauth Chatterjea	...	Hooghly Branch School.
	Cally Nauth Dass	..	Andool School.
	Cally Nauth Gooho	..	Pogose School.
	Cally Podo Banerjea	...	Cuttack School.
	Cally Podo Banerjea	...	Berhampore Collegiate School.
	Cally Podo Chatterjea	..	Dushghura School.
	Cally Podo Chowdry	...	Hindu School.
	Cally Prosonno Ghosal	...	Agurparah School.
	Cally Prosonno Ghose	..	Colootollah Branch School.
	Cally Prosonno Sen	...	Agurparah School.
90	Cally Ram Burooah	...	Cathedral Mission College.
	Charles, D. F.	...	St. Thomas' College, Colombo.
	Charoo Chunder Bose	...	Berhampore Collegiate School.
	Chitty, J. T. C.	...	Queen's College, Colombo.
	Choitunno Prosad Burat	...	Sarun School.
	Chooney Loll Chowdhry	...	Beerbhoom School.
	Chunder Bhoosun Dutt	..	Colootollah Branch School.
	Chunder Bhoosun Mookerjea	...	Kishnaghur Anglo-Vernacular School.
	Chunder Coomar Banerjea	...	Bishop Wilson's School, Chuttra.
	Chunder Coomar Chowdhry	...	Jonye Training School.
100	Chunder Coomar Ghose	..	Jessore School.
	Chunder Coomar Sen	...	Burrisaul School.
	Chunder Mohun Chuckerbutty	..	Pogose School.
	Chunder Mohun Mitter	...	Midnapore School.
	Chunder Mohun Mookerjee	...	Calcutta Free Church Institution.
	Chunder Mohun Mozoomdar	..	Pubna School.
	Chunder Nauth Chowdhry	...	Baulcah School.
	Chunder Nauth Shaha	...	Barrackpore School.
	Chunder Nauth Toapdar	...	Dacca Normal School.
	Chundoo Lall	...	Delhi Collegiate School.
110	Comul Narain Chuckerbutty	..	Mymensing School.
	Cones, G. A.	...	St. Xavier's College.
	Constantine, A.	..	Ditto.
	Corbet, E.	..	Ditto.
	Cossi Chunder Mozoomdar	...	Mymensing School.
	Cossi Chunder Sircar	..	Burrisaul School.
	Cossi Canto Naug	...	Dacca Collegiate School.
	Cossipotee Chowdhry	...	Jonye Training School.
	Dabee Pershad	...	St. Stephen's College, Delhi.
	Dassrotee Banerjee	...	Bullagur School.
120	Debendro Nauth Nundy	...	Hindu School.
	Deno Nauth Missry	..	Coomercolly School.
	Deno Nauth Mitter	...	Colootollah Branch School.
	Deo Pershad	...	Agra College.
	Dhurendro Nauth Chatterjea	...	Hindu School.
	Digambur Sen	...	Pubna School.
	Doorga Doss Bhuttacharjea	...	Kishnaghur Collegiate School.
	Doorga Prosonno Missere	...	Hooghly Branch School.
	Dornhurst, F.	...	Queen's College, Colombo.
	Doyal Chunder Banerjea	...	Jonye Training School.
130	Ducklina Churn Roy	...	Dacca Collegiate School.
	Dwarka Nauth Bysack	...	Colootollah Branch School.
	Dwarka Nauth Goopto	...	Commillah School.
	Dwarka Nauth Mookerjea	...	Bhaugulpore School.
	Dwarka Nauth Roy	..	Useful Arts School.
	Dwarka Pershad	...	Hume's High School, Etawah.
	Ellis, J. H.	..	La Martiniere College.
	Eshan Chunder Dutt	..	General Assembly's Institution.
	Eshan Chunder Mullick	...	Calcutta Free Church Institution.
	Etisad Hossein	...	Calcutta Mudrissa.
140	Fay-yazuddeen	...	Ditto.
	Fuzlur Rusheed	...	Burrisaul School.
	Gan Chunder Surma	...	Colootollah Branch School.
	Gasper, A. M.	...	Doveton College.
	Gobind Chunder Chatterjea	...	Noacolly School.
	Gocul Chand	..	Hume's High School, Etawah.
	Gomes, W. A.	...	St. Xavier's College.
	Gopaul Chunder Ghose	...	Ooterparh School.
	Gopaul Chunder Seal	...	Chinsurah Free Church Institution.
	Gopaul Doss Nundy	...	Calcutta Free Church Institution.
150	Gopaul Kristo Bagchee	...	Berhampore Collegiate School.
	Gopaul Kristo Mullick	...	Chinsurah Free Church Institution.
	Gossye Doss Dey	...	Colootollah Branch School.
	Gour Churn Dey	...	Pogose School.
	Grish Chunder Banerjea	...	Cutwa School.

	Grish Chunder Bose	...	South Baharoo School.
	Grish Chunder Bose	...	Baliati Aided School.
	Grish Chunder Bose	...	Canning College, Lucknow.
	Grish Chunder Dey	...	L. M. S. Institution, Bhowanipore.
	Gudda Dhur Shukul	...	Saugor School.
160	Gunga Pershad	..	Ajmere School.
	Gungadhur Banerjea	..	Sulkea School.
	Hand, J. R.	...	Berhampore Collegiate School.
	Hanoman Pershaud	..	Canning College, Lucknow.
	Haradhone Sircar	..	Serampore College.
	Harakh Chand	..	Joy Narain's College, Benares.
	Haran Chunder Mitter	...	Jonye Training School.
	Heera Loll Bose	..	Konnugger School.
	Heera Loll Coondoo	..	Bishop Wilson's School, Chattra.
	Hem Chunder Banerjea	...	Jonye Training School.
170	Hem Chunder Bose	...	Colootollah Branch School.
	Hem Nauth Bose	...	Calcutta Free Church Institution.
	Hemunto Loll Mundle	...	Serampore Aided School.
	Hensman, A.	...	Queen's College Colombo.
	Horsho Nauth Gangooly	...	Hooghly Branch School.
	Hur Coomar Roy	...	Chittagong School.
	Hur Doyal Gooho	...	Tagoria School.
	Hurrish Chunder Banerjea	...	Beerbhoom School.
	Hurrish Chunder Mitter	...	Hooghly Branch School.
	Hurrish Chunder Sen	...	Noral School.
180	Hurro Kally Mitter	...	Boroe School.
	Hurry Churn Sen	...	Pogose School.
	Hurry Mohun Banerjea	...	Hooghly Collegiate School.
	Hurry Mohun Dutt	...	Tagoria School.
	Hurry Nauth Paulit	...	Ilsoba Mondlye School.
	Hurry Nauth Roy	...	Berhampore Collegiate School.
	Hurry Nauth Sen	...	L. M. S. Institution, Bhowanipore.
	Hurry Ram	...	Loodiana Mission School.
	Isher Chunder Doss	...	Pogose School.
	Isher Chunder Roy	..	Beerbhoom School.
190	Jankee Doss	.	Delhi Collegiate School.
	Janoky Nauth Dutt	...	Noral School.
	Jansz, J. H.	...	Queen's College, Colombo.
	Jodoo Nauth Banerjea	...	Barrackpore School.
	Jodoo Nauth Dey	..	Colootollah Branch School.
	Jodoo Nauth Dey	...	Kishnagur Collegiate School.
	Jodoo Nauth Ghose	...	Calcutta Training Academy.
	Jodoo Nauth Moitry	..	Colootollah Branch School.
	Jodoo Nauth Sahoy	...	Patna Collegiate School.
	Jodoo Nauth Sircar	...	Baraset School.
200	Jodoo Potee Banerjee	...	Ilsoba Mondlye School.
	Jogendro Nauth Banerjea	...	Sanscrit College.
	Jogendro Nauth Chowdry	...	Jonye Training School.
	Jogendro Nauth Ghose	...	Santipore E. School.
	Jogendro Narain Goopto	...	Beerbhoom School.
	Jogendro Narain Roy	..	Kishnaghur Collegiate School.
	Jogendro Narain Seal	...	Dacca Collegiate School.
	Jogesh Chunder Banerjee	..	Hooghly Collegiate School.
	Jogesh Chunder Chatterjea	...	Bhaugulpore School.
	Jogesh Chunder Dey	...	Metropolitan Institution.
210	Jogessur Sen	..	Colootollah Branch School.
	Johory Lall Chowdhry	..	Beerbhoom School.
	Jonardon Shaw	...	Colootollah Branch School.
	Joogul Kishore	...	Bareilly College.
	Joshoda Nundun Pramanick	...	Santipore E. School.
	Joy Kishun	...	Lahore Mission School.
	Juggut Bundhoo Naug	...	Khajah Abdool Gunny's School.
	Juggut Chunder Dutt	...	Chittagong School.
	Juggut Lall Bysack	..	Calcutta Training Academy.
	Kally Krishna Roy	...	Seal's College.
220	Kaminy Coomar Ghose	...	Khajah Abdool Gunny's School.
	Kanti Chunder Banerjea	...	Barrackpore School.
	Kanti Chunder Banerjea	..	Bullagur School.
	Kanye Laul Chunder	...	Colootollah Branch School.
	Kanye Laul Doss	...	Calcutta Free Church Institution.
	Kanye Laul Mookerjea.	...	Calcutta College.
	Kanye Laul Sen	...	Colootollah Branch School.
	Kasheswar Mookerjea	...	Cathedral Mission College.
	Kedar Nauth Banerjea	..	Hindu School.
	Kader Nauth Chatterjea	...	Howrah School.

230	Kedar Nauth Mookerjea	...	Serampore College.
	Kedar Nauth Panday	...	Berhampore Collegiate School.
	Keshub Laul Sanyal.	...	Furreedpore School.
	Kherode Nauth Sing	...	Beersingha A. S. School.
	Khetter Churn Chuckerbutty	...	Baraset School.
	Khetter Mohun Mitter	...	Burdwan Moharaja's School.
	Khetter Mohun Mookerjea	...	Konnugger School.
	Khetter Paul Dutt	...	Colootollah Branch School.
	Khodabux Shaikh	...	Umritsur School.
	Khoodiram Acharjea	...	Culna Free Church Branch School.
240	Kirty Chunder Chatterjea	...	Calcutta Training Institution.
	Kirty Chunder Chatterjea	...	Bhagulpore School.
	Kishen Loll I.	...	Bareilly College.
	Koonjo Behary Chatterjea	..	Goburdangah School.
	Koonjo Behary Dey	...	Calcutta Free Church Institution.
	Koonjo Behary Nundy	...	Beerbhoom School.
	Koylas Chunder Chuckerbutty	...	Howrah School.
	Koylas Chunder Ghose	...	Chinsurah Free Church Institution.
	Koylas Chunder Paul	...	Khajah Abdool Gunny's School.
	Kristo Coomar Sen	...	Pogose School.
250	Kristo Doss Law	...	Hindu School.
	Kristo Gopaul Banerjea	...	Hooghly Branch School.
	Kristo Laul Bysack	..	Colootollah Branch School.
	Kunhia Lall	...	Umritsur School
	Kunhia Lall	..	Bareilly College.
	Lall Behary Bysack	..	Hindu School.
	Lall Behary Gangooly	..	Ooterparah School.
	Latoo Laul Mullick	...	Hindu School.
	Luchmee Narain	...	Hume's High School, Etawah.
	Luchmun Doss	..	Delhi Collegiate School.
260	Lukhy Narain Missry	...	L. M. S. Institution, Bhowanipore.
	Lukhy Narain Mullick	...	Calcutta Collegiate School.
	Luffman, W. C.	..	La Martiniere College.
	McIntyre, C. A.	..	Bengal Academy.
	Mackertoon, A. G.	...	Doveton College.
	Makun Loll Gooyn	..	Hooghly Collegiate School.
	Makun Lall Mudduck	..	Hooghly Branch School.
	Marshall, C. J. A.	...	Queen's College, Colombo.
	Mirza Mahmood Beg	..	Canning College, Lucknow.
	Modhoo Soodun Bhuctò	...	Santipore E. School.
270	Modhoo Soodun Sing	...	Nizamut School.
	Modhoo Soodun Sing	...	Kandee School.
	Mohendro Chunder Bhuttacharjea	...	Ilsoba Mondlye School.
	Mohendro Chunder Chatterjea	..	Beerbhoom School.
	Mohendro Chunder Mozoomdar	..	Mymensing School.
	Mohendro Chunder Paulit	...	General Assembly's Institution.
	Mohendro Loll Sadhoo	...	Chinsurah Free Church Institution.
	Mohendro Nauth Chatterjea	..	Metropolitan Institution.
	Mohendro Nauth Dey	..	Calcutta Training Academy.
	Mohendro Nauth Doss	..	Hindu School.
280	Mohendro Nauth Doss	...	Howrah School.
	Mohendro Nauth Dutt	...	Calcutta Free Church Institution.
	Mohendro Nauth Roy	...	Calcutta College.
	Mohun Loll	...	Bareilly College.
	Moorlee Dhur	...	St. John's College, Agra.
	Mudden Mohun Mundle	..	Serampore College.
	Murray, C. M.	...	La Martiniere College.
	Muthoo Loll	...	Delhi Collegiate School.
	Mutty Laul Mookerjea	...	Hooghly Collegiate School.
	Mutty Laul Mookerjea	..	Bullagur School.
290	Muzaffer Ally	...	Jullundur Mission School.
	Nasir Ally	...	Delhi Collegiate School.
	Nasir-Ooddeen	...	Calcutta Free Church Institution.
	Nedhoo Laul Haldar	...	Hindu School.
	Nemy Churn Mookerjea	...	Paikparah School.
	Netye Chand Bose	...	Hindu School.
	Netye Gobindo Chowdhry	...	Seal's College.
	Nilruttun Banerjea	...	Hooghly Collegiate School.
	Nilruttun Mitter	...	Hindu School.
	Nobin Chunder Banerjea	...	Beerbhoom School.
300	Nobin Chunder Chowdhry	...	Colootollah Branch School.
	Nobin Chunder Nath	...	Berhampore Collegiate School.
	Nobin Chunder Sandyal.	...	Agra College.
	Nobodip Chunder Dey	...	Berhampore Collegiate School
	Nogendro Chunder Mozoomdar	...	Bauleah School.

	Nogendro Kristo Ghose	...	Cathedral Mission College.
	Nogendro Nauth Ghose	...	Colootollah Branch School.
	Nolin Behary Ghose (Senior)	...	Beerbhoom School.
	Nolin Behary Ghose (Junior)	...	Ditto.
	Nolinee Nauth Mitter	...	Hooghly Collegiate School.
310	Noro Narain Ghose	...	Midnapore School.
	Noro Sing Dutt	...	Howrah School.
	Nund Coomar Dey	...	Chittagong School.
	Nund Kishore	...	Delhi Collegiate School.
	Obhoya Churn Dey	...	Jessore School.
	Obhoya Churn Dutt	...	Bansbaria Mission School.
	Omesh Chunder Banerjea	...	Chinsurah Free Church Institution.
	Omesh Chunder Mookerjea	...	Hooghly Collegiate School.
	Omesh Chunder Mundle	...	Ditto.
	Omirto Laul Banerjea	...	Jonye Training School.
320	Omirto Laul Ghose	...	Calcutta Training Academy.
	Opendro Chunder Nundy	..	Hindu School.
	Opendro Nauth Chunder	..	Colootollah Branch School.
	Opendro Nauth Mitter	...	Ditto.
	Oroon Chunder Gangooly	...	Kishnaghur Collegiate School.
	Otool Chunder Mookerjea	..	Bullutee School.
	Otool Krishna Ghose	...	Colootollah Branch School.
	Panch Cowry Bysack	...	Cathedral Mission College.
	Peary Laul Dutt	...	Serampore College.
	Peary Mohun Chowdry	...	Chittagong School.
330	Peary Mohun Raha	...	Bogra School.
	Poorno Chunder Banerjea	..	Gournagore School.
	Poorno Chunder Bhuttacharjea	...	Santipore E. School.
	Poorno Chunder Mitter	..	Hooghly Branch School.
	Poorno Chunder Sing	...	Burdwan Maharaja's School.
	Poyrag Loll Panday	...	Ditto.
	Pran Gopaul Mookerjea	...	Chinsurah Free Church Institution.
	Pran Kristo Seal	...	Colootollah Branch School.
	Pran Nauth Pundit	...	Canning College, Lucknow.
	Preo Nauth Chuckerbutty	...	Serampore College.
340	Preo Nauth Dutt	..	Burdwan Maharaja's School.
	Preo Nauth Ghose	..	Barripore School.
	Preo Nauth Roy	...	Colootollah Branch School.
	Probodh Chunder Mullick	...	Hindu School.
	Promotho Nauth Mookerjee	...	Kishnaghur Collegiate School.
	Promotho Nauth Roy	...	Hindu School.
	Prosonno Coomar Ghose	...	Jessore School.
	Punchanun Biswas	...	Hindu School.
	Punchanun Chatterjea	...	Burdwan Maharaja's School.
	Rabutty Chunder Banerjee	...	Kallypara School.
350	Radha Churn Sen	...	Berhampore Collegiate School.
	Radhamoy Ghose	...	Colootollah Branch School.
	Radha Nauth Roy	..	Ditto.
	Radha Sham Kor	..	Cuttack School.
	Radhica Prosad Bose	...	General Assembly's Institution.
	Raj Coomar Mookerjea	..	Howrah School.
	Raj Mohun Roy	...	Nizamut School.
	Rajendro Nauth Dutt	..	Colootollah Branch School.
	Rakhal Chunder Doss	...	Berhampore Collegiate School.
	Rakhal Chunder Ghose	...	Behalla School.
360	Rakhal Doss Dutt	...	Calcutta Free Church Institntion.
	Rakhal Doss Mozoomdar	...	Hindu School.
	Rakhal Doss Sen	...	Ditto.
	Ram Chundra	...	Ajmere School.
	Ram Chunder Ghose	...	Khajah Abdool Gunny's School.
	Ram Churn Dey	...	Ilsoba Mondlye School.
	Ramdin Bhuttacharjea	...	Private Student.
	Ram Doss Bromho	...	Kishnaghur Collegiate School.
	Ramessur Ghose	...	Hooghly Collegiate School.
	Ram Gopal Bural	...	Burdwan Moharaja's School.
370	Ram Gotee Mookerjee	...	Okershan School.
	Ram Kanye Tolapatro	...	Bauleah School.
	Ram Lall Chowdry	...	Paikparah School.
	Ram Lall Mookerjee	...	Kandee School.
	Ram Lall Paul	...	Ranaghat School.
	Ram Narain Banerjee	...	Ooterparah School.
	Ram Nauth Bhattachrjee	...	Bullagur School.
	Robinson, H.	...	Lahore College.
	Rojoni Kanto Banerjee	...	Mymensing School.
	Rojoni Canto Chowdhry	...	Pogose School.

380	Rojoni Canto Gangooly	...	L. M. S. Institution, Bhowanipore.
	Rojoni Canto Ghose	...	Cathedral Mission College.
	Rojoni Canto Ghose	...	Pogose School.
	Rojoni Canto Sanial	...	Kandee School.
	Roma Nauth Dey	...	Saugor School.
	Romun Kristo Ghose	...	Chinsurah Free Church Institution.
	Rullia Ram	..	Christ's College, Umritsur.
	Russick Chunder Bose	...	Burrisaul School.
	Russomoy Dutt	...	General Assembly's Institution.
	Sandhi	...	Christ's College, Umritsur.
390	Savi, J.	...	St. Xavier's College.
	Senanayeke, J. G.	...	Queen's College, Colombo.
	Sham Lall	...	Agra College.
	Sham Soonder Aich	...	Mymensing School.
	Shama Churn Dey	...	Chinsurah Free Church Institution.
	Shama Churn Moitro	...	Kishnaghur Anglo-Vernacular School.
	Shama Churn Sandel	...	Howrah School.
	Sharman, L. T.	...	St. John's College, Agra.
	Sharoda Prosad Dass	...	Howrah School.
	Sheo Dial	...	Delhi Collegiate School.
400	Sheo Nauth	...	Ditto.
	Sheo Narain Pundit	...	Canning College, Lucknow.
	Sheo Narain Pundit	...	Private Student.
	Shetul Chunder Chatterjee	...	Kishnaghur Anglo-Vernacular School.
	Shib Chunder Bhnnjo	...	Boroe School.
	Shitta Nauth Goshwani	...	Santipore E. School.
	Shitta Nauth Mookerjee	...	Jessore School.
	Shoshee Bhoosun Bhadoory	...	Cossipore School.
	Shoshee Bhoosun Ghosaul	..	Ilsoba Mondlye School.
	Shoshee Bhoosun Sen	..	Pogose School.
410	Shoshee Shekhur Moitro	..	Berhampore Collegiate School.
	Shoshodhur Roy Chowdhry	...	Jessore School.
	Shumbhoo Narain Singh	...	Sylhet Mission School.
	Shyama Churn Banerjee	...	Queen's College, Benares.
	Siddessur Banerjea	...	Hooghly Collegiate School.
	Soodam Churn Patnaik	..	Balasore School.
	Soorendro Nauth Mitter	...	Hindu School.
	Sooresh Chunder Dutt	...	Ditto.
	Sooresh Chunder Ghose	...	Oriental Seminary.
	Sooresh Chunder Sen	...	Calcutta Free Church Institution.
420	Sreedam Chunder Seal	...	Colootollah Branch School.
	Sree Nauth Chuckerbutty	...	Coomercolly School.
	Sreeram Gangooly	...	Kishnaghur Collegiate School.
	Sreeram Mozoomdar	...	Bauleah School.
	Surrut Chunder Chatterjee	...	Konnugger School.
	Surrut Chunder Roy	...	Berhampore Collegiate School.
	Surrut Chunder Roy	...	Colootollah Branch School.
	Surrut Coomar Sen	...	Kishnaghur Collegiate School.
	Syed Ahmed	...	Colingah Branch School.
	Tacoor Doss Chowdry	...	Howrah School.
430	Tara Nauth Bose	...	Dacca Collegiate School.
	Tariny Churn Bose	...	Kishnaghur Collegiate School.
	Tariny Loll Chowdry	...	Beerbhoom School.
	Taruck Chunder Mozoomdar	...	Commillah School.
	Thomas, A.	...	Doveton College.
	Tin Cowry Buxy	...	Burdwan C. M. S. Institution.
	Umbica Churn Naug	...	Tumlook School.
	Umbica Churn Sen	...	Noral School.
	Umbica Churn Sircar	...	Ditto.
	Ummed Rae	...	Christ's Church School, Cawnpore.
440	Unnoda Prosad Banerjea	...	Chinsurah Free Church Institution.
	Unnoda Prosad Bose	...	Burdwan C. M. S. Institution.
	Unnoda Prosad Chowdhry	...	Berhampore Collegiate School.
	Unnoda Prosad Mookerjea	...	Chinsurah Free Church Institution.
	Ward, W. G.	...	Doveton College.
	Wazeer Sing	...	Delhi College.
	Wickvemaratne, E. B.	...	Queen's College, Colombo.
	Wijeyesakere, H. D. S.	...	Ditto.
	Wooma Churn Kor	...	Hooghly Collegiate School.
	Wooma Churn Mookerjea	..	Queen's College, Benares.
	Woordhub Chunder Sen	..	Colootollah Branch School.
451	Zaheer-ood-deen	...	Colingah Branch School.

CALCUTTA UNIVERSITY,
The 30th December 1865.

J. SUTCLIFFE, M. A.,
Registrar.

ADVERTISEMENTS.

GOVERNMENT TELEGRAPH DEPARTMENT NOTICE.

The following revised Rules, for the transmission of messages on the Lines of this Department, will come into operation on the 15th January 1866 :—

1. In assimilation to the practice in force on European Lines, messages will be charged for by groups and half groups. A group will consist of 20 words, and half a group of any number not exceeding 10.

2. A message, however short and not exceeding 20 words, will be charged for as one group. Above 20 words and not exceeding 30 as a group and a half. Above 30 words and not exceeding 40 as two groups, and so on.

3. With the exception of the prefixes "From" and "To," and the name of the *Station from* which despatched, *every word* in the address and body of the message will be charged for.

4. The number of groups being ascertained, the cost of the message will be calculated according to the following scale :—

Scale of charges for a group of 20 *words.*

		Rs.	A.	P.	
Not exceeding	100 Miles	0	8	0	in addition to a Booking Fee of 8 annas on each message.
Above 100 and not exceeding	200 ,,	1	0	0	
,, 200 ,, ,, ...	400 ,,	1	8	0	
,, 400 ,, ,, ...	800 ,,	2	0	0	
,, 800 ,, ,, ...	1,000 ,,	3	0	0	
,, 1,200 ,, ,, ...	1,600 ,,	4	0	0	
,, 1,400 ,, ,, ...	2,000 ,,	5	0	0	

and so on, adding one Rupee for every 400 miles or fraction of every 400 miles. Half the above rates will be charged for every 10 words or fraction of 10 words.

5. The distances between stations measured on the shortest route by which it is possible to telegraph by a Government wire will be found in the Tariff Book, which may be obtained at any Government Telegraph Office, Price Three Rupees per copy.

6. Peon hire has been abolished, and in lieu thereof a fixed Booking Fee of 8 annas is to be levied on every message irrespective of its length or the distance it has to travel. This fee is to cover the expense of registering the message at the Booking Station, and of the Peon who delivers it. Should a message be sent partly by the Government and partly by Private Lines, the Booking Fee will be paid *once only* for each system of Lines.

7. Peons will deliver messages *free* to any place not exceeding five miles from the Telegraph Office. Beyond this distance messages will be sent either by Post registered, or by such other means as the sender may arrange and *pre-pay for* at the Booking Station. Any additional words that may be necessary to explain the mode of delivery of a message when its destination is more than five miles beyond the nearest Telegraph Office, will be considered as part of the message and charged for accordingly.

8. Two Rupees, in *addition to the above scale*, will be charged for every group of 20 words sent to or from any station in Ceylon, and a half rate, viz., 1 Rupee, for every additional 10 or fraction of 10 words in excess of 20.

9. These Rates do not apply to Indo-European messages which, for the present, will remain unaltered.

D. G. ROBINSON, *Lieut. Col.*, R. E.,
Director General of Telegraphs in India.

NOTICE.

Whereas it appears that land is required to be taken up at the public expense, for a public purpose, in the Durriabad District, viz., for the construction of a Thannah, it is hereby notified that land to the extent, and in the village noted in the margin, is required for the said purpose.

Pergunnah	Village	Quantity of land taken		
		A.	R	P.
Nawabgunj ...	Burail ...	0	2	20

2. This declaration is made under Section 2, Act VI of 1857.

C. U. HUTCHINSON, *Lieut. Col.*, R. E.,
Offg. Secy. to Chief Commr., Oudh.

LUCKNOW,
4th January 1866.

NOTICE.

Government Promissory Notes *carrying back interest*, will not be received for renewal, consolidation, sub-division, nor for any change in Enfacement making the interest payable at a particular Treasury.

All interest, including that for the half-year last due, must be drawn at the place at which it is payable, before the Note is tendered at this Office.

GEO. DICKSON,
Secretary and Treasurer.

BANK OF BENGAL,
P. D. OFFICE,
The 3rd January 1866.

NOTICE.

Lost in Transit the Halves of the under-mentioned Currency Notes, viz :—

Left Half No. $\frac{A}{7}$52597 } Dated Calcutta, 8th July
Ditto ditto 54799 } 1861, each for Rs. 10.

Ditto ditto $\frac{A}{17}$45522, dated Calcutta, 7th May 1862 (Nagpore Circle), for Rs. 10.

R. CLARKSON.

NOTICE.

LOST OR STOLEN.

The under-mentioned Government five per cent. Promissory Notes of 1856-57 :—

Parties are hereby cautioned from purchasing or negotiating either a five per cent. Government Promissory Note No. 12124 of 43832 for Rs. (5,000), Five thousand Rs., or a ditto ditto No. 12125 of 43832 for Rs. (5,000), Five thousand Rs.

ROY PURSOTUM DOSS.

پرسوتم داس

BENARES,
The 1st January 1866.

NOTICE.

Lost portions of a 4 per cent. Government Promissory Note No. 10305 of 26749 of 1854-55. for Co.'s Rs. 600, torn into pieces by an infant, child while it was laid in the sunshine.

GOLAP MONEY DOSSEE.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

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CALCUTTA, No. 186, OLD CHINA BAZAR.

DIRECTORS:

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

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DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demnad, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3	months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms :—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates :—

On Gold, Silver, and Sovereigns, ½ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

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No. 2.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JANUARY 13, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Government House on Friday, the 5th January 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble J. N. Bullen.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

PLEADERS AND MOOKHTARS' ACT EXTENSION BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to extend Act No. XX of 1865 (to amend the law relating to Pleaders and Mookhtars) to the Sudder Court of the North-Western Provinces, said that the Act referred to in the motion did not extend to the High Court of Bengal nor to the Sudder Court of the North-Western Provinces. The reason of the exemption of the latter Court was, as the Judges of that Court had justly conjectured, that its conversion into a High Court was supposed likely to occur before the Bill came into operation. The Government of India had not received any positive official information concerning a High Court for the North-Western Provinces, but there was reason to think that its establishment was contemplated, and he believed the delay to be attributable to the necessity imposed on Her Majesty's Government by a Statute of last Session of issuing new Letters Patent to the older High Courts before a certain date. Meantime the day for the coming into operation of Act XX of 1865 had arrived, and the Judges of the Sudder Court wished to have the power of making rules under it for their Pleaders and Mookhtars. At their instance, and at that of the Government of the North-Western Provinces, he proposed to introduce this Bill.

The Motion was put and agreed to.

SUMMARY PROCEDURE ON BILLS OF EXCHANGE BILL.

The Hon'ble MR. MAINE introduced the Bill to provide a summary procedure on Bills of Exchange, and to amend, in certain respects, the Commercial Law of British India, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said, he had little to add to the observations which he offered when he obtained leave to bring it in. As to Section 11, he had been in communication with the Hon'ble Rájá Sáhib Dyál, and had ascertained from him that Hundís were universally accepted in writing when accepted at all; but, as he (Mr. Maine) had anticipated, they were generally made payable after date, not after sight, and thus did not require any acceptance. The first part of Section 12, he (Mr. Maine) proposed to leave as it stood. The Stamp Act defined a Foreign Bill as a Bill drawn out of British India, and it was most dangerous to have such a Bill defined one way for purposes of the Stamp Act, and another way by commercial usage. But in Committee, he would propose to add a proviso that, when a Bill in any part of India was protested, the notarial attestation should be received in all Courts as *primâ facie* evidence of dishonour.

The Hon'ble MR. COWIE said that he had been prepared to state his strong objection to Section 12, under which a merchant here who might receive a dishonoured bill back from Bombay or Madras, would be compelled to resort to the expensive process of the issue of a commission to prove its presentation. The change in the Bill which the Hon'ble and learned Member had now announced was quite satisfactory.

The Hon'ble MR. BULLEN said, that he had not a word to say in opposition to this Bill going into Committee. On the contrary, he thought that his Hon'ble and learned friend (Mr. Maine) was entitled to the thanks of the mercantile community for the endeavours he was making, by the introduction of this and other Bills which he had brought into the Council that Session, to import into the Commercial Code of India those improvements in commercial legislation which of late years had been adopted in England. He agreed with what had fallen from his Hon'ble friend opposite (Mr. Cowie) as to the desirableness of continuing the present practice by which a notarial protest was accepted as *primâ facie* proof of dishonour of an inland equally with a foreign Bill, and was glad that the Hon'ble gentleman (Mr. Maine) had expressed himself willing to modify to this end, in Committee, Section 12 of the Bill as printed. He (Mr. Bullen) would be glad to see the principle of the Bills of Lading Act, No. IX of 1856, which was copied from the English Statute 18 and 19 Vic., cap. 3, extended to policies of insurance. By the custom of merchants, the interest in those documents was transferable by endorsement, as in the case of Bills of Lading, but by law the contract between the underwriter and the assured could not be so transferred. When, therefore, an action had to be brought on a policy, it could only be brought in the name of the party to whom the policy had been granted, which was frequently productive of inconvenience. The principle was the same as that conceded by the Bills of Lading Act, and he thought it worthy of the consideration of the Hon'ble gentleman (Mr. Maine) whether it might not be extended to contracts of assurance also.

The Hon'ble MR. MAINE thought the suggestion well worthy of consideration.

The Motion was put and agreed to.

RURAL POLICE ACT AMENDMENT BILL.

The Hon'ble MR. MUIR presented the Report of the Select Committee on the Bill to amend Act No. II of 1865 (to provide for the maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere). He said that a new Section had been introduced by the Select Committee to meet an objection made by the Hon'ble the Lieutenant-Governor of the North-Western Provinces. According to that Section, the local administration was authorized to lay down rules limiting the extent and exercise of the authority conferred by the first Section on the Collector. As the Report would then have been in the hands of members for a sufficient period as provided by the Standing Rules of the Council, he proposed next week to move that the Bill be taken into consideration and passed.

CRIMINAL PROCEDURE ACT AMENDMENT BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to amend Act No. XXV of 1861 (for simplifying the procedure of the Courts of Criminal Judicature not established by Royal Charter), said the measure had been prepared at the urgent representation of the Governments of Madras and Bombay, and in part at the instance of the Governments of Bengal and the North-West. The necessity for the proposed change might be shortly described by stating that the Code attributed the cognizance of certain minor offences of common occurrence to a too dignified tribunal, that was, to a tribunal whose ordinary business was such that its time ought not to be taken up with trying petty cases, or which was at too great a distance from the localities at which most of these offences were committed. The latter was the serious objection. When in India, a petty offence was tried at a great distance from the place of its commission, one of two things happened—either the prisoner, prosecutor and witnesses were exposed to disproportionate hardship, or the offence was hushed up to prevent that hardship, the latter result being the commoner when the injury to the person aggrieved was not very great. It was natural that complaints on the subject should come chiefly from Madras and Bombay, for in those provinces, and especially in Bombay, the districts were of great extent, so that the removal of the prosecutor and witnesses to the Sudder Station almost amounted to expatriation. The first particular in which Mr. Maine proposed to alter the Code was in respect of theft in a building or tent. As the classification of jurisdictions in the Code of Criminal Procedure pretty closely followed the scale of punishments in the Penal Code, theft in a building had been made cognizable by a higher tribunal than common theft, because the penalty was severer. Now he must confess that the considerations which in Europe justified the imposition of a heavier penalty on theft in a dwelling-house than on theft in the open air, appeared to him scarcely to exist over much of India. It was no doubt assumed that thefts in a dwelling-house were ordinarily committed by persons standing in some relation of confidence to the owner, or that there was a greater amount of criminal intention on the part of a person who secreted himself in a house for the purpose of stealing. But the assumption did not hold good in a country in which the houses were mostly open day and night, and it would be difficult to point out any moral distinction between the act of a man who took goods from a bullock-cart and that of one who took property from a Native house by walking into it or putting his hand under the uplifted corner of a mat. The Penal Code was, however, intended to apply to stealing in houses of all descriptions, and hence no doubt the English distinction was maintained. The result, however, was described as very unfortunate in the Mofussil, where this form of theft was exceedingly common, but under the present law was either committed with impunity, or punished at the cost of much annoyance to the prosecutor and witnesses. He therefore proposed to make theft in a building, vessel or tent punishable by the same tribunals as ordinary theft. It would be understood that the relative powers of Magistrates would remain unaltered. If the offence were really petty, it would be punished by a Magistrate of the lower grade; if there were circumstances of aggravation, it would be sent on by him to a superior authority. Mr. Maine further, at the instance of the North-Western Sudder Court, proposed to make grievous

hurt punishable by the same Judicial authority as simple hurt. It was represented that the time of the Courts of Session was needlessly taken up in trying cases which only differed from hurt in the dislocation of a finger or the breaking of a tooth. The last change to be made consisted in enabling Magistrates of all grades to try charges of fouling a reservoir, or rendering the atmosphere noxious. It was difficult at all times to get the Natives of India to regard the rules of sanitary science, and to give information to the Police of acts which they looked upon as harmless: much greater must be the difficulty if the hardship of a long journey was inflicted on all who revealed the nuisance. The Local Government had suggested other changes, but, though something might be said for them, the trial of the offences named was likely, as a lawyer would perceive, to give rise to delicate questions, so that there were independent reasons for confiding trial to a Court of some dignity. Such alterations had better be reserved for that general revision of the Code of Criminal Procedure, which could not be far distant. The points now dealt with were pressing.

The Motion was put and agreed to.

Courts of Requests (Straits' Settlement) Bill.

The Hon'ble Mr. Maine moved that the Committee on the Bill to enlarge the jurisdiction of the Courts of Requests in the Settlement of Prince of Wales' Island, Singapore, and Malacca, be re-constituted. He said that the Bill had proceeded as far as a Committee, but its progress had been arrested, through the impression which prevailed that the Settlement would shortly be disannexed from India. That event, however, seemed farther off than was once supposed, and he wished, at the instance of the Straits' Government, to proceed with the Bill.

The Motion was put and agreed to.

Government Paper Currency Act Amendment Bill.

The Right Hon'ble Mr. Massey introduced the Bill to amend Act No. XIX of 1861 (to provide for a Government Paper Currency). He said that in moving that the Bill which he had asked leave of the Council to introduce a fortnight ago, should be passed through its remaining stages, he would make a very few observations, in addition to the statement which he then offered to the Council. Since that statement was made, a meeting had been held by a highly respectable body, which he might say represented the commercial interests of this Presidency, for the express purpose of considering the measure; and although that meeting had not resulted in any expression of opinion hostile to the Bill, he should perhaps be wanting in that respect which he felt for those gentlemen if he simply moved that the Bill be passed through its subsequent stages without further explanation.

The object of this Bill was simply to restore the Currency Department to its proper function, which was the issue of paper and not of coin—of paper as a substitute for specie whenever the public desired to avail themselves of a more convenient medium of circulation; and of coin only in exchange for the paper which represented it.

The whole reserve of silver represented Notes in circulation and nothing more. Those reserves could not be appropriated to any other purpose without endangering the convertibility of the Notes, and thereby jeopardizing public credit.

He had explained on the former occasion the circumstances which rendered it necessary, in the opinion of the Government, to make some alterations in the existing Currency Law. If those alterations were not assented to, the Government must take one of two courses. They must maintain in the principal Circles of Issue a very much larger reserve in specie than was necessary for the legitimate purposes of the Department; in other words, they must realize wholly or in part that proportion of the fund which was invested in securities,—a proportion which, in the opinion of the late Mr. Wilson, should always amount to two-thirds of the issue. The Government of the day, however, limited the reserve of Securities to the amount of four millions sterling, and nearly to that extent reserves of coin had been already invested. If therefore we were driven to convert the Securities, the charge imposed on the Government would be £200,000 a year, and the remaining Securities, which are the property of the public, would be depreciated if any large amount of the stock which had been withdrawn were thrown back upon the market. Such a course would not be advocated by any Member of that Council, and was one which no man of business outside would venture to propose.

But if this course were not adopted, we must be prepared at all times to pour into the Currency Circle which was under pressure the amount of coin which might be necessary for its relief. Now he would say at once that the Government was not prepared to undertake that duty. The distances in this country were very great, and the communications were not yet in that advanced stage which he trusted they would ultimately attain; but even if all such facilities were perfected, the dislocation of our monetary arrangements by the sudden transfer from one place of deposit to another of cash, which was distributed with reference to the exigencies of the public service, would always be attended with great inconvenience and cost, and might seriously affect the public credit. He had said that they had already invested Securities to the amount sanctioned by the Act. That amount represented one-half the amount of the paper in circulation. During the last month alone bullion to the value of a million and a quarter pounds sterling had been cashed in one of the Presidency Towns. Therefore if the demand on the Department was to go on on that scale, they would have no alternative but to realize Securities.

But there was a third alternative. It had been suggested that the present difficulty had been caused by the reduction of the cash balances. It might be sufficient for him to say that he was not responsible for that reduction, and that the Government as at present constituted was not responsible for that reduction. He would not say whether that diminution was politic or not. They had only to deal with the fact, and it was well known to all who heard him, that the reserves at the present moment were not in surplus, and that they could not hope from the spontaneous action of their existing revenue, that the cash balances would be raised to the amount which they formerly attained. But if they had a surplus of revenue in their Treasury, in his opinion that surplus would be demanded by other objects than the accommodation of dealers in bullion. There was no pro-

bability that any part of the cash balances would ever be appropriated to any such purpose.

This brought him to the question, what public benefit was to be derived from maintaining the present facilities afforded to the importers of bullion? Were the interests of commerce concerned? Was the general prosperity of the country involved in maintaining this anomalous charge on the Department of Issue? As the question had been raised, he must say that there was no pretence whatever for any such assertion, and that the benefit derived from the present state of the law was a benefit which was enjoyed merely by individuals, and which accrued to the advantage of a certain class of speculators. In his judgment it was a benefit which did not conduce to the welfare of the country, or the sound interests of commerce. He was very glad to think, from the proceedings which took place at the respectable assemblage which was held the other day, that he was not called upon to urge these arguments further, or to contend at any length in favour of this Bill. The resolution to which the Chamber of Commerce came was one with which he had no fault to find. It did very little more than reiterate what he himself stated when he had the honour to move for leave to introduce the Bill. It enjoined on Government the desirability of not resorting to the power of refusing to cash bullion except in cases of necessity. That was precisely the course which the Government wished to take. The Bill was one simply of precaution and safety. It was not intended to withhold from the bullion trade the accommodation which it enjoyed; but at the same time it was not proposed to make any special concession to that trade. It was manifestly the duty and one of the functions of the Currency Department to take bullion in exchange for Notes, when there was reasonable ground to suppose that the Notes so exchanged would go into circulation. It was not, however, the duty of the Currency Department to go on cashing bullion for the benefit of private individuals, and thus continue a course in no wise redounding to the benefit of the public.

There was one part of the resolution of the Chamber of Commerce to which he would now refer. They expressed a hope that the capacities of the Mints would be enlarged so as to enable them to deal with the great and growing importations of bullion. It would seem from that expression of opinion that the present powers of the Mints were supposed to be below par, and that sufficient energy had not been displayed by the Department in meeting the extended requirements of Indian commerce. That opinion, if it did exist, was altogether unfounded. He had provided himself with authentic information on the matter. The principal Mints had been considerably increased. A second Mint had been established at Bombay in the year 1864-65; the out-turn of silver coinage had been doubled. If he compared the operations of our Mints with those of the Royal Mint in England, it would be found that we were greatly in excess, not only in capacity but out-turn. That was not surprising, because the basis of currency in India and in England were totally different. The power needed to coin a million in gold was only one-tenth of what was needed to turn out a million in silver. As long as you maintained silver as the basis of your currency, there could practically be no means of enlarging the Mint Department so as to enable it to meet great and sudden influxes of specie.

At the same time, so far as its present powers were equal to the emergency, he could confidently say they would not be spared. He had made enquiries in the proper quarter. He had pressed upon those charged with the administration of the Department the necessity of using every exertion to enlarge the powers of the Mint; and he believed he might promise the Council that large as that capacity now was, and great as the exertions of that Department had been, the capacity would be enlarged and the exertions increased.

He hoped that explanation would be sufficient to satisfy the Council that he was not hastily, and unnecessarily on the part of the Government, urging a greater departure from the provision of the Currency Act than was really called for. As he said before, the real difficulty lay in our having a currency based on silver and not on gold. The work of a Mint was to be estimated not by the value of its out-turn, but by the number of pieces of which that out-turn consists. If you had to use ten times the labour and employ ten times the capacity than would otherwise be necessary, it was not fair to charge the Mint with the inconvenience imposed on a person impatient to convert his bullion into coin.

He did not know whether any gentlemen present wished to make any observations. He should be happy to hear any comment which might be made, and with the short explanation he had now given, he would reserve any further observations for his reply to the remarks of Hon'ble Members, especially those connected with the mercantile community.

The Hon'ble MR. COWIE said that a fortnight ago he expressed in this Council his opinion of the reasonableness of this measure, and he had heard nothing since to make him change that opinion.

He had heard with pleasure the Right Hon'ble Member's promise of improvements to the working power of the Mints, though it was somewhat contradictory to the opinion he understood him to express that these large importations of silver were no such great benefit to general commerce. The flow of bullion to this country was, he (Mr. Cowie) submitted, a real benefit, and whatever facilities could be given to the rapidity of its conversion would be an advantage to all.

The Hon'ble COLONEL DURAND observed that the Bill made no change in the negotiability of the certificates. He doubted therefore whether its effect would be as great as was anticipated by the Right Hon'ble gentleman; for so long as these certificates remained negotiable, the holders might apply to the Banks or Capitalists and obtain Government Notes, which would be taken to the Department of Issue, where they would at once be converted into coin, as at present. No doubt the Government would gain a few days; but the measure struck him as so moderate that it was likely to prove somewhat ineffective.

The Hon'ble MR. BULLEN said he was sorry to hear some observations which fell from the Right Hon'ble gentleman which conveyed the impression that he entertained different opinions from those which had been expressed by the late Mr. Wilson as to the importance of making bullion available for the purposes of commerce as soon after importation as was possible, and which had

led him to introduce into the Government Currency Bill a provision placing the Department of Issue on the same footing in respect to the issue of Notes in exchange for bullion as the Issue Department of the Bank of England. He of course admitted that the analogy between the two countries was not complete. In England, Notes sufficed for all purposes of internal trade, and it was only when bullion required to be sent abroad to correct the exchanges, that they were returned to the Bank to be exchanged for coin. In India, on the contrary, owing to the limited circulation which the Notes enjoyed, there was a constant drain of coin into the interior. Still he could not quite agree with the Right Hon'ble gentleman when he said that the exchange of Notes for bullion was no proper part of the functions of the Issue Department. That the paramount consideration must be absolute security for the convertibility of the Note circulation, he at once admitted, and to that the convenience and even the interest of the bullion-importer must be entirely subservient. He thought that a great part of the opposition which was felt against this measure outside arose from the grounds on which the Right Hon'ble gentleman had justified it in his speech on that day fortnight. He had then stated that he put the necessity for this measure on no higher ground than that of the expense and inconvenience entailed on the Government by moving large sums of money from one Presidency to another. Of course the answer to that was, that the Government made a large annual profit out of the limit at the expense of the bullion-importer. That profit amounted to nearly twenty lakhs a year. Again, the Government made a further large annual profit out of the interest on the Securities on which the reserve in the Currency Department was invested. This was another twenty lakhs, and, receiving that large profit, bullion-importers argued, and as it seemed to him (Mr. Bullen) not unreasonably, that when the necessity occasionally arose of fortifying the reserve of bullion in the Issue Department at any one Presidency, the cost of doing so might fairly be undertaken by the Government. The Right Hon'ble gentleman had referred to the amount invested out of the currency reserves, and quoted the opinion held by Mr. Wilson that a reserve of one-third in coin was a sufficient reserve to keep in the Issue Department. No one charged the Government with having invested a larger proportion of the reserves than they were entitled by law to invest; but looking to the fact that a pressure for coin might have been expected to be felt at Bombay at this season of the year, he did think it exhibited a want of foresight on the part of the Executive Government that with a circulation of under three crores, no less than 187 should have been invested in Securities. The Right Hon'ble gentleman had told them what he (Mr. Bullen) had been very glad to hear, that by certain alterations which it was proposed to carry out, the coinage capacity of the Calcutta Mint could be largely increased. He (Mr. Bullen) did not know if the coinage capacity of the Bombay Mint could be increased in the same manner; but he considered that if the Bill became law, it would be more than ever the duty of Government to provide a Mint-power capable of coping with the supplies of bullion which would continue to pour in.

His Excellency the COMMANDER-IN-CHIEF said, "Sir, in answer to the last speaker, I would observe that the arguments in support of the measure have been placed so forcibly and clearly before the Council that but little would have remained to be said had not my Hon'ble friend, Mr. Bullen, transferred the matter of the debate to new ground. Thus, Sir, he has directed an attack against the Executive Government, it matters not whether it be at Calcutta or Bombay, because of its alleged want of caution in meeting an unexpected drain on the Issue Department. It is no secret that a great run has taken place in Bombay on the Issue Department, and on the Bank of Deposit which does the Government business, and that extraordinary measures have been taken to ward off the impending danger. That brings me to the consideration as to whether my Hon'ble friend is right in his argument. Is he justified in saying that certain measures for the protection of the Financial Department have not been taken? Is he justified in attributing to bullion merchants the character of representatives of the commercial community? In answering these questions, it will be necessary to travel back to somewhat abstract doctrines, and to advert to certain principles of political economy. It is needless to say that bullion when imported into the country bears only the character of a commodity of trade. If an artificial stimulus is given to the dealers in this commodity, the result is an action on the market which is the cause of trouble, convulsion, and panic. The same principles apply in the consideration of bullion as of any other commodity, as, for instance, corn. By the concession granted by Mr. Wilson,—that is to say, by the extraordinary privileges conferred on the bullion dealer—an artificial stimulus is given to the import of bullion. Mr. Wilson gave no reasons for the concession beyond saying that it would give merchants in India the same facilities as those enjoyed by merchants in London. When Mr. Wilson made that statement, he forgot the absolute difference in the relations of Indian merchants to India and of English merchants to England. Thus, Sir, in England there is a thoroughly established Note-circulation, but in India it may be said that there is an absence of Note-circulation except in the Presidency Towns. I hold in my hand Returns which show that in the outer Circles of Currency, this Note-circulation does not reach seven lakhs; whereas, in the Presidency Towns, it is seven and half crores, or something more than double the amount of issue at the date that the old Banks of issue closed their operations in virtue of Mr. Wilson's reforms, and the issue became a State Department. The increase in the Presidency Towns, then, in truth only represents the great development of transactions of every description which has taken place since the date referred to. I am therefore justified in saying that the Note-circulation, although rather more than double in volume as compared with former times, has but little to say to any extension of it in the Provinces. It is evident, therefore, that there is a weakness in the notions which led Mr. Wilson when he gave his reason for the change. Thus, reasoning too closely from English analogy, he clearly supposed that so soon as his currency notes had been received from the Issue Department in exchange for certificates, they would be spread throughout the length and breadth of the land, and that coin would not be required in exchange for bullion. The precise converse has turned out to be the fact. When bullion arrives the merchant demands that

it should be immediately cashed in Notes—he takes the Notes to the Issue Department and demands coin. Therefore, a run sets in on the Issue Department and on the Bank of Deposit. Consequently, the measure before the Council cannot justly be called solely a measure for the convenience of Government in the Financial Department, but it is a popular measure to avert convulsion and panic by guarding the community against privileges to a special trade. Suppose the case of a run on the Issue Department. Telegrams arrive demanding assistance. The first thing which can be done is a direction to a Presidency Bank of Deposit to afford aid. But the Bank's powers are limited: it has no immediate facility for the transmission of material, that is to say, of coin *per saltum*. There is no magic by which it can suddenly send an immense sum of money, say half a million. Such a Bank does what it can, that is, it will send bills—say to Bombay—for the amount. But the people in Bombay want money. Consequently, if they were to discount these Bills, it would be to intensify the difficulty against which the aid is directed. But as they would not be unwise enough to do this, the Bills are simply useless, and assume the form of credits in blank at a time when actual coin is wanted, a fictitious capital being thus created. Such blank credits, as Mr. Goschen tells us, are of use for bridging over the slack term of business between two countries engaged in trade. But they are absolutely useless when it is required to meet a sudden drain of specie. I have stated the difficulty which occurs when, we will say, the Bank of Calcutta attempts to reinforce the Bank of Deposit, a Government Bank, at Bombay in aid of the Issue Department. Now let me state another case. Let us assume that a great drain has set in on the Issue Department. The constituents of the Bank of Deposit at the same time demand that all their drafts and cheques shall be cashed in specie. It may have a very large nominal balance, and yet the mass of it may be in Notes through no fault of the Bank. In the exercise of its undoubted right, the Chairman of the Bank asks to have half a million of Notes exchanged for specie. But what a state of things is it if the Issue Department is obliged to ask for time! The Bank of Deposit must go into the market and scrape up specie as it can, because the Issue Department cannot meet the demand. It is impossible to avoid such difficulties when ships are constantly arriving, each, perhaps, with a million of bullion, and the importers, under the existing law, at once demand and obtain specie. Thus in the importers' hands the bullion has the character of money, but directly it is transferred to the Bank or to the Issue Department, it loses that character—the resources of both, which ought to be at the disposal of their ordinary constituents, being thus summarily diverted in favour of the bullion merchant, because in his hands the bullion is money, whereas it is not money so soon as it has left them. I maintain that such a state of things cannot fail to lead to convulsion. Sir, for the last five years I have been a Member of the Bombay Government, and every year the like difficulties have arisen at about the same time and invariably from the same cause, namely, that which my Right Hon'ble friend now seeks to get rid of by the Bill under consideration. During that time we were more than once hastily summoned to Council to consider what could best be done to meet the crisis thus artificially caused. On one occasion we had recourse to strong measures which at first were not approved, but afterwards met with full sanction. This occurred about three years ago. I therefore now join issue with my Hon'ble friend. There is an inconsistency in the existing law against which no foresight can possibly provide. The Hon'ble gentleman's accusation directed against the Executive Government is not justified by facts. It should rather be directed against the false principle which has caused all these difficulties for the last five years.

My Right Hon'ble friend, when considering the capacity of the Mints as compared with that of the Imperial Mint in England, remarked on the much greater facility afforded to the latter for producing large sums of coin, because the basis of the British currency is one of gold. This brings forcibly before me the discussion which took place nearly two years ago, whether gold should not be substituted in India for silver. The result of the discussion seemed to be tolerably conclusive, opinion in India having been very generally in its favour. That discussion originated in Bombay in consequence of the stringency of the local market, which proceeded from the cause forming the subject of the Bill. I think, but I speak without any authority, that there are some indications that the Right Hon'ble the Secretary of State would not be so indisposed to such a change as he was in 1861, when he expressed his views in a demi-official letter to Mr. Laing, which was answered by that gentleman in a Council Minute. It is not called for in this place, and it would not be respectful in me to subject the argument of the Right Hon'ble the Secretary of State to a rigid analysis; but I would earnestly commend those papers to the consideration of every Member of the Council and of the community outside. If read carefully, it will be seen that all that Mr. Laing had predicated of the existing state of things, and had prognosticated of the future, has turned out to be true. What he said of the restriction of the floating of Paper Currency in this country, and of the limitation of its use has been proved by experience to be exactly correct. It is difficult to support an argument more strongly than by reverting to the prognostications of Mr. Laing which have been justified by the experience of four years. I have before said that opinion in India was generally in favour of the proposal which emanated from the Bombay Chamber of Commerce from two to three years ago. But all questions in this country seemed to flag and to be treated in a dilettante way unless taken up by Government. The cause of a Gold Currency was not advocated in such a manner as to impress on the Secretary of State that the change was strongly desired. I hope that the Members of the Council, and that the commerce of the country represented by the great merchants of Calcutta and Bombay, will turn attention very seriously to this matter. The difficulty urged by the Hon'ble gentleman opposite with regard to the operation of the Bill does not reside in the objections which have been taken to it, but in the simple fact that India has a Silver Currency, whereas, she has reached that point of development when her monetary wants demand a currency of gold. Silver is the currency of a comparatively poor country—gold is the currency of a rich one. During the last eight years we have seen the most extraordinary advance in the way of riches throughout India. This is evidenced in every manner possible, by the enormous increase of

transactions in the great centres of trade, not only in the Presidency Towns, but in the Provinces also. It is shown by the opening of new communications in all directions and by the use made of them. The Post Office Returns even display that the number of letters has almost doubled in the time mentioned. We are therefore justified in saying that we are witnessing the conversion of India from a state of poverty to a state of wealth, and that she must be treated accordingly. We have seen the like take place in France and in the United States. France fifty years ago was comparatively a poor country. She is now a rich one. Accordingly, though not quite fixed by law, she has absolutely adopted a gold currency, and the silver franc has become a *de facto* token-coin. The Americans have done the same, but they have been in one respect more logical than the French and more complete in their operations, that is to say, so soon as they were convinced that the substitution of gold for silver had been completed, they fixed the gold currency in law by reducing silver to a mere token-coinage, as we have done in England. I presume to say that India has now reached that point when it is incumbent on the Government and the community to cause that change to be introduced, which is required by the altered circumstances of the country. The remedies for the difficulty stated by my Hon'ble friend Mr. Bullen are to be sought, not in mechanical extensions of the Mints, not in attributing to the bullion merchant a power of declaring his bullion to be money when it is not money, but in the introduction of a gold currency. My Hon'ble and gallant friend Colonel Durand's remark that certificates would be liable to discount is perfectly just; but it is not apparent that any inconvenience can result from this. Such scrip-certificates will be discounted by the Banks or other private persons holding Notes. Those Notes were always liable to be converted into rupees, they being actually issued. This is very different from the Issue Department uttering fresh Notes on account of bullion when those Notes would be returned immediately for coin.

The Right Hon'ble Mr. Massey said that, he had listened with much interest to the discussion, and he had no reason to complain of the tone which the debate had assumed. His Hon'ble friend (Mr. Bullen) however had made some remarks inculpatory of the policy of the Government, and seemed to think that there had been some laxity in the Department of Issue. He (Mr. Massey) believed that there was no good reason to complain of any want of vigilance or energy in that Department. His Hon'ble friend was perfectly aware,—he had himself pointed it out,—of the essential difference between the Department of Issue in the Bank of England and the Currency Circles in this country. The Bank of England consisted of two Departments the Department of Issue and the Banking Department. These two Departments helped each other; and although it was obligatory on the Issue Department to take bullion, the Bank was not obliged to give cash for bullion; they purchased bullion at a price which represented the difference between cash and a bill payable at the time when the bullion could be converted into coin. Besides, the paper which they issued against bullion was so firmly and extensively established, that there was no apprehension that it would come back, except in ordinary course which could be calculated on to a nicety. Moreover the Bank of England not only in its capacity of Bankers discounted bills, but also transacted the business of bullion merchants. A great part of the bullion paid into the Bank of England was sold to foreign merchants for the purpose of exportation. But the situation of the Currency Department here was totally different, and he could not but think that that provision from the Bank Charter Act of 1844 was improvidently imported into the Currency Act of India without those modifications which the difference between the two countries and the two establishments obviously suggested.

His Hon'ble friend the President of the Chamber of Commerce had said that the Currency Department was bound to undertake this business, because they derived profit from the circulation of Notes. Now His Excellency the Commander-in-Chief had well pointed out that there was no paper circulation in India, and indeed he could be well content to rest the defence of the Government, so far as its policy had been censured, upon the speech of his Hon'ble and gallant friend. There was only paper circulation in the Presidency Towns; but throughout the rest of India, Government Notes were, he was sorry to say, treated like commercial paper, and sold at a discount in the bazaars. But supposing it was true that the Currency Department did derive profit from this source, the profits which they derived from investment, seignorage, and circulation were here, as in every other civilized country, profits retained not so much as a profit, but as a fund for defraying the expenses of the Department. They were obliged to keep up establishments for the issue and conversion of the paper. The expenses of those establishments must be defrayed from their profits. But suppose there was a large margin of profit, which he did not admit, after all the expenses incident to the currency had been defrayed, he still maintained that that margin was not the property of the bullion merchant, but of the public. His Hon'ble friend (Mr. Cowie) seemed to suppose that he (Mr. Massey) did not attach much importance to the importation of bullion. If he had said any thing to justify that observation, his words had been misapprehended, or he had failed in expressing himself intelligibly. He was quite aware that in India, where trade was expanding to a very great extent, it was necessary that that expansion should be sustained by the extension of the metallic basis. Therefore for the Government to throw any obstacles in the way of bullion importation, would be a blind and unwise policy. But there were limits to the extent to which they were bound to afford facilities to the introduction of this commodity, and he thought that by extending the Mint machinery, they would do all they could reasonably be expected to perform. He did not think that there was anything to justify the censure which had been passed on the Department of Issue, because he had shown that the capacity of one of the largest Mints had been doubled, and it was a fact that the employés in the Government Mints had been working night and day. So far from retaining bullion in store, the Mint had been frequently brought to a stand-still, because of the absence of bullion. When any sufficient quantity was in hand, the operations of the Mint were never suspended; but in cases of large importations, its capacity was sometimes taxed to a degree beyond any conceivable power.

The opinions of the late Mr. Wilson, one of the greatest financial authorities which this country

had ever seen, had been quoted to-day as if his policy was being departed from. What was his policy? Mr. Wilson's original proposal was this. He thought, coming from England with his great experience of commercial affairs, and confident of the advantage which India would derive from the establishment of a Paper Currency, that this paper would permeate through the length and breadth of India, and be accepted as a convenient medium of exchange. Those expectations, however, had been disappointed. Estimating in the sanguine manner he did, Mr. Wilson thought it would be sufficient to retain in the Department of Issue only one-third of the Issue representing the circulation. When Mr. Wilson proposed to maintain that small reserve, he (Mr. Massey) doubted if Mr. Wilson was prepared to appropriate that amount to the sudden demands of dealers in bullion. According to that gentleman's calculation of the extent to which the currency notes would be established as a circulating medium, the Department of Issue would have no difficulty in meeting the ordinary demands of the bullion importation.

If Mr. Wilson were here now and sitting in the place, the duties of which he had so ably discharged, he would not for a moment have concurred in the proposition that the Government was bound under all circumstances and at all times to provide funds in each of the principal Currency Circles against prompt demands on account of bullion. Such a proposition would be too wild and absurd to need serious refutation. Nothing of the kind had been urged by the gentleman who represented the Commercial community in this Council, and he was gratified to find, on the whole, that those gentlemen were not adverse to the Bill.

The Right Hon'ble MR. MASSEY then applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The President declared the Rules suspended.

The Right Hon'ble MR. MASSEY then moved that the Bill be taken into consideration.

The Hon'ble MR. BULLEN said that before the question was put, he wished to point out the hardship which, if this Bill at once became law, would thereby be inflicted on those importers of bullion who, in reliance on the law as it stood, had entered into operations the result of which would be prejudiced by the proposed change. The Right Hon'ble gentleman proposed to suspend the Standing Orders and pass the Bill at once. He (Mr. Bullen) admitted that if the Executive Government declared the immediate passing of the measure absolutely necessary, opposition must cease, for the convertibility of the Note was of paramount consideration. But if no such necessity existed, he would appeal to the Right Hon'ble gentleman to suspend the operation of the Act, say for a month or six weeks, that those engaged in an important branch of trade might not be subjected to a loss which they could not have guarded themselves against.

The Right Hon'ble MR. MASSEY said, that he was very sorry he could not accede to the proposal of his Hon'ble friend. Merchants must be prepared for occasional changes in commercial legislation. It was a well established principle that no private member of the community had a *locus standi* in the event of an alteration of law, which affected his individual interests. In England the Chancellor of the Exchequer has frequent occasion to propose alterations in the tariff or excise. He often takes off a duty affecting a commodity of which there may be a large stock in hand. The owners wait upon him and ask a drawback. He declines with a smile of dissent, and they meet with no support from public opinion. When the Chancellor of the Exchequer makes his annual Financial Statement, the public is informed for the first time of what he is going to do. He announces perhaps that he is going to take of a tax that affects stocks in hand; he asks the immediate assent of the House of Commons; they give it, and the moment the resolution is passed, the financial operation takes effect. The course which he (Mr. Massey) now proposed to take was analogous to that. As he said before, he did not wish to raise a false alarm that the Government would be in any danger of insolvency by continuing the practice which the present Bill proposed to alter; but their experience of the inconvenience and injurious nature of the practice was sufficient also to warrant his hope that the Council would consent to allow the present measure to become law.

The Hon'ble MR. BULLEN said that his proposition was not without precedent. In the last Session an alteration was made in the tea-duties, which was intended to have immediate effect, but on a representation from parties interested in the trade that great loss would be inflicted upon them, the Chancellor of the Exchequer agreed to the change in the law taking effect only after an interval of (he believed) a month or six weeks.

The Right Hon'ble MR. MASSEY said that was quite an exceptional proceeding. What particular reason there was which induced the Chancellor of the Exchequer to act as he did, he (Mr. Massey) was unable to say. There was no doubt some good reason. The case of the importers of bullion was not nearly so strong as that of merchants holding large stocks of an article like tea, on which there was a small margin of profit. Here the bullion was brought out to purchase property for which there was an extraordinary and peremptory demand. It was just possible that the importers might lose something by a slight turn of the market, but if they took their certificates to the Banks, they would have no difficulty in getting the requisite accommodation on easy terms.

The Motion was put and agreed to.

The Right Hon'ble MR. MASSEY then moved that the Bill be passed.

The Motion was put and agreed to.

The following Select Committee were named—

On the Bill to provide a summary procedure on Bills of Exchange and to amend, in certain respects, the Commercial Law of British India—The Hon'ble Mr. Bullen, the Hon'ble Rájá Sáhib Dyál Bahádur, the Hon'ble Messrs Cowie, Gordon and the Mover.

On the Bill to enlarge the jurisdiction of the Courts of Requests in the Settlement of Prince of Wales' Island, Singapore and Malacca—The Hon'ble Messrs. Grey, Taylor, Gordon and the Mover.

The Council adjourned till the 12th January.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,

Home Dept. (Legislative.)

CALCUTTA,

The 5th January 1866.

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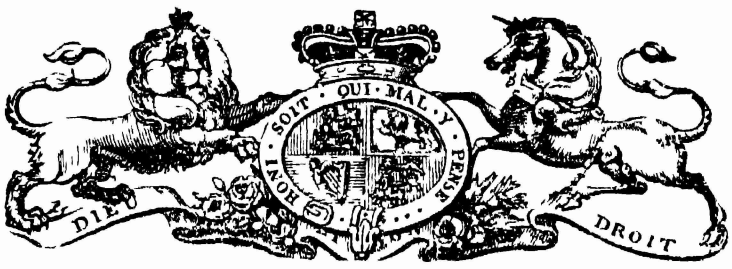
No. 3.



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CALCUTTA, SATURDAY, JANUARY 20, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 5th of January 1866, and is hereby promulgated for general information :—

ACT No. I OF 1866.

An Act to amend Act No. XIX of 1861 (to provide for a Government Paper Currency.)

Preamble.

Whereas it is expedient to amend Act No. XIX of 1861 (*to provide for a Government Paper Currency*); It is enacted as follows :—

Addition to Section 9 of Act XIX of 1861.

1. The ninth Section of the said Act shall be read as if after the words "Provided that the said Head Commissioner, Deputy Commissioners and Agents shall in all cases be entitled to require such silver bullion and foreign coin to be melted and assayed at the expense of the person tendering the same," the following words were inserted (that is to say),—

"Every person so tendering bullion or foreign coin and depositing the same in any such Office or Agency shall be entitled to receive therefor a certificate signed by the person or persons authorized to issue the Notes aforesaid, which certificate shall acknowledge the receipt of such bullion or foreign coin and shall state the value thereof after deducting the expense of melting and assaying the same, and shall also state the interval (which the Governor-General in Council shall from time to time fix by notification in the Gazette of India) on the expiration of which, if such certificate be presented to such Office or Agency, the holder shall be entitled to receive Promissory Notes in exchange for the said bullion or foreign coin at the rate and subject to the deduction aforesaid; and no person so tendering as aforesaid and receiving such certificate shall be entitled to receive such Notes previous to the expiration of the interval so stated in the said certificate. But nothing hereon contained shall preclude the person or persons so authorized from issuing, if he or they shall think fit, Notes in exchange for bullion or foreign coin at the rate and subject as aforesaid.

Short Title.

2. This Act shall be called "The Currency Act Amendment Act, 1866."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 12th January 1866, and is hereby promulgated for general information :—

ACT No. II OF 1866

An Act to amend Act No. II of 1865.

Preamble.

Whereas it is expedient to amend Act No. II of 1865 (*to provide for the maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere*); It is enacted as follows :—

Power to the Collector to assess the proprietor where the latter has not made any or an insufficient assessment under Section 2 of Act No. II of 1865.

1. If any proprietor of an estate, authorized to make an assessment under the second Section of the said Act shall fail altogether to make such assessment, or shall assess under the said Section a sum which the Collector of the District in which such estate is situate shall consider inadequate, it shall be lawful for such Collector to assess upon such estate for the purposes aforesaid, a sum payable yearly by the proprietor, not exceeding nine-tenths of the amount which might have been raised in each year

under the said Section. Such assessment shall be exclusive of the Municipal cess or per-centage mentioned in the sixth Section of the said Act.

Local Government empowered to make rules as to extent and exercise of the authority conferred by Section 1.

2. The Local Government may from time to time lay down rules respecting the extent and exercise of the authority conferred by the last preceding Section, and such authority shall be subject to the rules aforesaid.

This Act to be construed with Act No. II of 1865.

3. This Act shall be read and taken as part of the said Act No. II of 1865.

Short title.

4. This Act shall be called "The Rural Police Act Amendment Act, 1866."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 12th January 1866, and was referred to a Select Committee, with instructions to make their report thereon in six weeks :—

INDIAN RAILWAYS BILL.

ARRANGEMENT OF SECTIONS.

PART I.

Preliminary.

1. Construction.
2. Acts repealed.

PART II.

Regulations as to Passengers, their Fares and Luggage.

3. Fares to be pre-paid.
Passengers' tickets to be given up on demand.
Penalty.
4. Enforcing payment of fare by passenger not producing ticket.
5. At intermediate Stations, fares and tickets to be conditional.
Proviso.
6. Penalty for fraud.
7. Fine for entering carriage in motion.
Or riding on the steps.
8. Fine for riding on engine, tender or luggage-van.
9. Smoking prohibited
10. Penalty for intoxication or nuisance, criminal force, assault or interference with passengers' comfort.
11. Penalty for entering room or carriage set apart for women.
12. Non-liability for passengers' luggage unless booked and paid for.

PART III.

Regulations as to Goods.

13. Non-liability for loss of gold, silver, &c., unless in the case of special engagement.
14. Public notice or private contract not to limit liability.
15. Remedy for non-payment of the carriage of goods.
16. Written account of goods to be given on demand.
17. Penalty for false account.
18. Carriage of goods of a dangerous nature.

PART IV.

Regulations for the protection of the Officers, Servants, and Property of the Company.

19. Penalty for obstructing servant in his duty.
20. Penalty for trespass.
21. Penalty for driving an animal upon or across Railway.
22. Liability of owner of animal trespassing on Railway.
23. Penalty for injury to carriage, &c.
24. Penalty for opening or not properly shutting accommodation gates.
25. Apprehension of offenders by Company's servants.
26. Power for Railway Companies to enter upon adjoining lands to repair accidents.

PART V.

Regulations binding on the Company.

27. Local Government may appoint persons to inspect Railways.
28. Penalty on persons obstructing Inspector.
29. Notices to be given before opening Railway for passenger traffic.
30. Local Government empowered to postpone the opening.
31. Local Government empowered to close dangerous part of opened line.
32. Power to make crossings over Railways.
33. Company to erect and maintain gates.
34. Fine for not erecting or maintaining gates.
35. Power to compel erection or maintenance of gates.
36. Fine for continued neglect to comply with provisions of Sections 33 and 34.
37. Service of summons under Sections 34, 35 or 36.
38. Railway to be fenced.
Quarries and ballast-pits to be fenced or filled in.
Penalty for not fencing or filling in.
39. Duty of Railway Companies to make arrangements for receiving and forwarding traffic without unreasonable delay and without partiality.
40. Parties complaining that reasonable facilities for forwarding traffic, &c., are withheld may apply to the High Court.
41. Notice of death or accident to be given to Government.
42. Fine for not giving notice.
43. Return of accidents to be delivered to Government.
44. Returns of Traffic and Tolls to be made by Railway Companies.
45. Fine for non-delivery of Return.
46. Penalty for continued neglect to give notice or deliver Returns.
47. Service of summons under Section 42, 45 or 46.

PART. VI.

Regulations binding on the Officers and Servants of the Company.

48. Penalty for wilful act or omission endangering a passenger.
49. Penalty for wilful act or omission in a Railway Officer.
50. Penalty for drunkenness or breach of duty by Railway Officer.
51. Penalty for an act not wilful.
52. Police Magistrate may, in certain cases, try offences punishable under Sections 50 and 51 with imprisonment.
53. Extent of jurisdiction.
54. Rule of construction of this Act.
55. All Railway servants to be deemed public servants within meaning of Sections 161-165 of Penal Code.
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No. 22 OF 1865.

A Bill to consolidate and amend the Laws relating to Railways in India.

Preamble.

Whereas it is expedient that all Railways used for the public conveyance of passengers or goods in any part of India, should be subject to the same regulations; It is enacted as follows:—

PART I.

Preliminary.

Construction.

1. In this Act, unless there be something repugnant in the subject or context—

"Railway." "Railway" includes all Railways and Tramways in India upon which steam or other mechanical power is used, whether such Railways and Tramways be under the superintendence of the Government or not, and whether opened or not for the public conveyance of passengers or goods:

"British India." "British India" means the Territories which are or shall be vested in Her Majesty or her successors under the Statute 21 & 22 Vic., cap. 106 (*An Act for the better government of India*); and "India" shall mean such Territories and also (so far only as regards British subjects within the dominions hereinafter mentioned) the dominions of Princes and States in the East Indies in alliance with Her Majesty or her successors:

"India."

"Magistrate." "Magistrate" includes a Joint Magistrate and any person lawfully exercising the powers of a Magistrate of the first class or a Justice of the Peace. It shall also, in the Presidency Towns of Calcutta, Madras and Bombay, include a Magistrate of Police:

"Conviction." A conviction under this Act before a Justice of the Peace means a summary conviction:

"Imprisonment." "Imprisonment" means imprisonment of either description as defined in the Indian Penal Code:

"Fine." "Fine" includes a sum of money due upon a forfeited recognizance:

"Consulting Engineer." "Consulting Engineer" includes a Deputy or Assistant Consulting Engineer:

"District Superintendent of Police." "District Superintendent of Police" includes an Assistant Superintendent of Police in charge of a Division of a District:

"Company." "Company" includes the proprietors for the time being of any Railway to which this Act applies and their lessees, representatives and assigns:

"Station-Master." "Station-Master" denotes the Officer for the time being in charge of a Railway station:

Number. Gender. Words in the singular number include the plural; words in the plural include the singular; and words importing the masculine gender include females;

"Local Government." And in every part of British India to which this Act shall extend "Local Government" shall mean the person authorized by law to administer Executive Government in such part, and shall include a Chief Commissioner; and "High Court" shall mean the highest Civil Court of Appeal therein.

"High Court."

Acts repealed.

2. Acts No. XVIII of 1854 and No. LII of 1860 are hereby repealed, except in so far as the former

Act repeals any other Act, and except as to acts done, offences committed, and liabilities incurred before the passing of this Act.

PART II.

Regulations as to Passengers, their Fares and Luggage.

Fares to be pre-paid.

3. No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any Officer or servant of the said Company duly authorized to examine the same, and shall deliver up such ticket, upon demand, to any of the Company's Officers or servants duly authorized to collect tickets. Any person not producing or delivering up his ticket, as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled.

Passengers' tickets to be given upon demand.

Penalty.

Enforcing payment of fare by passenger not producing ticket.

4. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section 3 of this Act, may be enforced in the same manner as any fine imposed by this Act.

At intermediate Stations, fares and tickets to be conditional.

5. At the intermediate Stations, the fares shall be deemed to be accepted, and the tickets furnished only upon condition that there be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall have been furnished, those who shall have obtained tickets for the longest distance shall have the preference; and those who shall have obtained tickets for the same distance shall have the preference according to the order in which they shall have received their tickets. Provided that all Officers and troops of Her Majesty on duty, and all other persons on the business of Her Majesty who by virtue of any contract with the late East India Company or Her Majesty shall be entitled to be conveyed on such Railway in preference to, or in priority over, the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which, they shall have received their tickets.

Proviso.

Penalty for fraud.

6. Any person who shall defraud or attempt to defraud any such Railway Company, by travelling, or attempting to travel, upon such Railway, without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof; or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such carriage; or who shall, in any other manner whatever, attempt to evade the payment of his fare, shall be liable to a fine not exceeding fifty Rupees for each offence.

Fine for entering carriage in motion.

Or riding on the steps.

7. Any passenger who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any carriage upon any such Railway, while such carriage is in motion; or who shall ride or attempt to ride upon any such Railway, on the steps, or any other part of a carriage, except on those parts which are intended for the accommodation of passengers, shall be liable to a fine not exceeding twenty Rupees for each offence.

Fine for riding on engine, tender or luggage-van.

8. Any person other than the engine-man, fire-man and assistant fire-man, if any, who, without the special license of the Superintendent of Locomotives, shall ride or attempt to ride upon any Locomotive engine or tender upon any such Railway; and any person other than the guard or breaksman, who, without such license as aforesaid, shall ride or attempt to ride upon such Railway, in or upon any luggage-van or goods-waggon, or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine not exceeding twenty Rupees for each offence.

Smoking prohibited.

9. If any person shall smoke, either on the premises, or in or upon any of the carriages belonging to any such Railway Company, except in places or carriages which may be specially provided for the purpose, he shall be liable to a fine not exceeding twenty Rupees for each offence; and if any person persist in infringing this regulation after being warned to desist by any of the Officers or servants of the Company, such person, in addition to incurring the liability abovementioned, may be removed by any of the Officers or servants of the Company from any such carriage, and from the premises of the Company, and shall forfeit his fare.

Penalty for intoxication or nuisance, criminal force, assault, or interference with passengers' comfort.

10. Any person who shall be in a state of intoxication, or shall commit any nuisance or act of indecency, or shall cause any noise or disturbance, or shall use criminal force or commit an assault, within the meaning of the Indian Penal Code, in any Railway carriage, or upon any part of the premises of any such Railway Company; or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on such Railway, shall be liable to a fine not exceeding twenty Rupees; and in addition to such liability, the offender may be removed by any of the

Officers or servants of the Company from any such carriage, and also from the premises of the Company, and shall forfeit his fare.

Penalty for entering room or carriage set apart for women.

11. If any special carriage, or portion of a carriage, or any private room or apartment, shall be provided by any such Railway Company for the exclusive use of females, any male person, who without lawful excuse shall enter such carriage, or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its exclusive appropriation, shall be liable to a fine not exceeding one hundred Rupees, and may be removed therefrom, and also from the premises of the Company, by any of the Officers or servants of the Company, and shall forfeit his fare.

Non-liability for passengers' luggage, unless booked and paid for.

12. No such Railway Company shall in any case be answerable for loss or injury to any passengers' luggage, unless it shall have been booked and separately paid for.

PART III.

Regulations as to Goods.

Non-liability for loss of gold, silver, &c., unless in the case of special engagement.

13. No such Railway Company shall in any case be answerable for loss of or injury to any gold or silver, coined or uncoined, manufactured, or unmanufactured, or any precious stones, jewellery, watches, clocks or time-pieces of any description, trinkets, Government securities, bills of exchange, hundís, promissory notes, Bank-notes, orders or other securities for payment of money, Government stamp-paper, postage stamps, maps, writings, title-deeds, paintings, engravings, pictures, plated articles, glass, china, opium, silks in a manufactured or unmanufactured state, and whether wrought up or not, wrought up with other materials, shawls, lace, or any of them contained in any parcel or package which shall have been delivered to such Railway Company, either to be carried for hire or to accompany the person of any passenger, unless the value and nature of such articles shall have been declared by the person or persons sending or delivering the same, and an increased charge for the safe conveyance of the same shall have accepted by some person specially authorized to enter into such engagements on behalf of the said Railway Company.

Public notice or private contract not to limit liability.

14. The liability of such Railway Company for loss of or injury to any articles or goods to be carried by them, other than those specially provided for by this Act, shall not be deemed or construed to be limited, or in any wise affected by any public notice given or any private contract made by them; but such Railway Company shall be answerable for such loss or injury when it shall have been caused by negligence or misconduct on the part of their agents, Officers or servants.

Remedy for non-payment of the carriage of goods.

15. If any person shall fail to pay on demand any sum due to any such Railway Company for the conveyance of any goods, it shall be lawful for the Company to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Company, any other goods of such person which shall then be on their premises, or shall thereafter come into their possession; and also to sell by public auction sufficient of such goods to realize the sum payable as aforesaid, and all charges and expenses of such detention and sale, and out of the proceeds of the sale, to retain the sum so payable, together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Company may recover any such sum by suit.

Written account of goods to be given on demand.

16. The owner or person having the care of any goods which shall have been carried upon any such Railway, or shall be brought on to the premises of any such Railway Company for the purpose of being carried on their Railway, shall, on demand by any Officer or servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be carried, deliver to such Officer or servant an exact account in writing signed by him of the number or quantity and description of such goods.

Penalty for false account.

17. If any such owner or person as aforesaid shall wilfully fail to give such account to such Officer or servant of the Company, or if he shall wilfully give a false account thereof, he shall for every such offence be liable to a fine not exceeding fifty Rupees for every ton of goods, or for any parcel exceeding one hundred weight; and to a fine not exceeding twenty Rupees for any quantity of goods less than a ton or for any parcel less than one hundredweight.

Carriage of goods of a dangerous nature.

18. No person shall carry upon any such Railway any dangerous goods, or be entitled to require any such Railway Company to carry upon such Railway any luggage or goods which, in the judgment of the Company or any of their Officers or servants, shall be of a dangerous nature; and if any person shall carry upon such Railway any dangerous goods, or shall deliver to such Railway Company any such goods for the purpose of being carried upon such Railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the book-keeper or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding two hundred Rupees for every such offence; and it shall be lawful for any such Company or any of their Officers or servants

to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the Company for the purpose of being carried on the Railway, it shall be lawful for the Company or any of their Officers or servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

PART IV.

Regulations for the Protection of the Officers, Servants and Property of the Company.

Penalty for obstructing servant in his duty.

19. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on such Railway, or any of the works, stations or premises connected therewith, shall be liable to a fine not exceeding fifty Rupees.

Penalty for trespass.

20. Any person who shall trespass upon any such Railway, or upon any of the lands, stations or other premises belonging to the Company, shall be liable to a fine not exceeding twenty Rupees; and if any such person shall refuse to leave such Railway or premises on being requested to do so by any Officer or servant of the Company, or by any other person on behalf of the Company, he shall be liable to a fine not exceeding fifty Rupees, and may be immediately removed from such Railway or premises by such Officer, servant or other person as aforesaid.

Penalty for driving an animal upon or across Railway.

21. Any person who shall wilfully ride, lead or drive upon or across any such Railway, any animal, except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do, shall be liable to a fine not exceeding fifty Rupees for each offence.

Liability of owner of animal trespassing on Railway.

22. The owner of any animal which shall trespass or stray upon any such Railway, or upon any lands belonging to such Railway Company, shall be liable to a fine not exceeding ten Rupees for each animal; and it shall be lawful for the Company, or any of their servants, to take or drive every animal which shall be found so trespassing to the nearest Police Station, there to be detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal be paid, or until a Magistrate shall otherwise order. A Magistrate may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine or such a sum, not exceeding ten Rupees for each animal, as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, and such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding and selling such animal, shall be returned to the owner of the animal on demand.

Penalty for injury to carriage, &c.

23. Any person who shall unlawfully and wilfully remove or deface the number-plates, or remove or extinguish any lamp on any carriage belonging to any such Railway Company; or shall wilfully or negligently damage or injure any carriage, engine, waggon, truck, warehouse, building, machine, fence, or any other matter or thing belonging to such Railway Company, shall be liable to a fine not exceeding fifty Rupees.

Penalty for opening or not properly shutting accommodation gates.

24. If any person for whose use or accommodation any gate shall have been set up by any such Railway Company on either side of such Railway, or any other person, shall open such gate, or pass or attempt to pass, or drive or attempt to drive any carriage, cattle or other animal or thing across the said Railway at a time when any engine or train approaching along the same shall be in sight; or shall at any time omit to shut and fasten such gate, as soon as he and any carriage, cattle or other animal or thing under his charge shall have passed through the same, he shall be liable to a fine not exceeding fifty Rupees.

Apprehension of offenders by Company's servants.

25. If any person shall commit any offence hereby made punishable by fine, and the name and address of such person shall be unknown, or there be reason to believe that the offender will abscond, any Officer or servant of the Company, or any Police Officer, or other person whom such Officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate, or other Officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other Officer, or shall be otherwise discharged by due course of law.

Power for Railway Companies to enter upon adjoining lands to repair accidents.

26. It shall be lawful for the Local Government to empower any Railway Company, in case of any accident or slip happening or being apprehended to any cutting, embankment, or other work belonging to them, to enter upon any lands adjoining their Railway for the purpose of repairing or preventing such accident, and to do such works as may be necessary for the purpose: Provided always, that in case of necessity, it shall be lawful for any Railway Company to enter upon such lands and do such works as aforesaid, without having obtained the previous sanction of the Local Government; but in every such case such Railway Company shall, within forty-eight hours after such entry, make a report to the Local Government, specifying the nature of such accident or apprehended accident and of the works necessary to be done, and such powers shall cease and determine if the Local Government shall, after considering the said report, certify that their exercise is not necessary for the public safety: Provided also, that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch; and full compensation shall be made

to the owners and occupiers of such lands for the loss or injury or inconvenience sustained by them respectively by reason of such works, the amount of which compensation, in case of any dispute about the same, shall be settled in manner provided by Act No. XXII of 1863, Section 33.

PART V.

Regulations binding on the Company.

Local Government may appoint persons to inspect Railways.

27. It shall be lawful for the Local Government, if and when they shall think fit, to authorize any proper Officer to inspect any Railway: and it shall be lawful for every Officer so authorized, at all reasonable times, upon producing his authority, if required, to enter upon and examine the said Railway, and the stations, works, and buildings, and the engines and carriages belonging thereto: Provided always, that no person shall be eligible to the appointment as Inspector as aforesaid who shall within one year of his appointment have been a Director or have held any office of trust or profit under any Railway Company.

Penalty on persons obstructing Inspector.

28. Every person wilfully obstructing any person, duly authorized as aforesaid, in the execution of his duty, shall for every such offence be liable to a fine of one hundred Rupees or to imprisonment for any period not exceeding three calendar months; such imprisonment to be determined on payment of the amount of the fine.

Notices to be given before opening Railway for passenger traffic.

29. No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one calendar month after notice in writing of the intention of opening the same shall have been given by the Company to whom such Railway shall belong to the Local Government, and until ten days after notice in writing shall have been given by the said Company to the Local Government of the time when the said Railway or portion of Railway will be, in their opinion, sufficiently completed for the safe conveyance of passengers and ready for inspection. If any Railway or portion of any Railway shall be opened without such notice as aforesaid, the Company to whom such Railway shall belong shall be liable to a fine of five hundred Rupees for every day during which the same shall continue open until the said notices shall have been duly given and shall have expired.

Penalty for failure to give notice.

Local Government empowered to postpone the opening.

30. If the Officer appointed by the Local Government to inspect any such Railway or portion of a Railway shall, after inspection thereof, report in writing to the Local Government that in his opinion the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the grounds of such opinion, it shall be lawful for the Local Government, from time to time and as often as such Officer shall, after further inspection thereof, so report, to order the Company to whom such Railway shall belong, to postpone such opening for any period not exceeding one calendar month at any one time, until it shall appear to the Local Government that such opening may take place without danger to the public; And if any such Railway or any portion thereof shall be opened contrary to any such order, the Company shall be liable to a fine of five hundred Rupees for every day during which the same shall continue open contrary to such order: Provided that no such order as aforesaid shall be binding upon any Railway Company unless therewith shall be delivered to the Company a copy of the report of the Officer upon which such order shall be founded.

Local Government empowered to close dangerous part of opened line.

31. If any portion of any Railway shall, in the opinion of any such Officer as last hereinbefore mentioned, become so unsafe as that traffic on the same would be attended with danger to the public, the Local Government may, on the receipt of his report in writing to that effect, order the Company to whom such Railway shall belong to close such portion and postpone the re-opening thereof, until it shall appear to the Local Government that such re-opening may take place without danger to the public. And if any such portion or any part thereof shall be re-opened contrary to such order, the Company shall be liable to a fine of five hundred Rupees for every day during which the same shall continue open contrary to such order. Provided that no such order as last aforesaid shall be binding upon any Railway Company unless therewith shall be delivered to the Company a copy of the report of the Officer upon which such order shall be founded.

Power to make crossings over Railways.

32. At any time after a Railway is constructed, it shall be lawful for the Local Government, if it shall think fit, to make roads across the Railway, and every such road shall be either carried over such Railway by means of a bridge of the height and width and with the ascent and descent, approved of by the Consulting Engineer to the Local Government, or it shall cross the Railway on a level. If the road be carried over the Railway by means of a bridge, such bridge with the immediate approaches and all other necessary works connected therewith, shall be made and executed, and at all times thereafter maintained, at the expense of the Local Government. If such road cross the Railway on a level, the gates mentioned and the proper persons directed to be employed in and by the next following Section, shall be erected, maintained and employed at the like expense.

Company to erect and maintain gates.

33. If the Railway cross any road on a level, whether such road be made before or after the construction of the Railway, the Railway Company shall erect, and at all times maintain

good and efficient gates, either across the Railway, or across the road on each side of the Railway, where the same shall communicate with the road, and shall employ proper persons to open and shut such gates. If such gates be across the road, they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages passing along the same, shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway, they shall be kept closed, except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions, and so constructed as when open to fence in the Railway, and prevent cattle, carriages or passengers from entering upon the Railway. Provided that it shall be lawful for the Local Government in any case to order that the gates shall be across the road or across the Railway, as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly.

Fine for not erecting or maintaining gates.

34. If any Railway Company shall wilfully fail to comply with the provisions of Section 33 of this Act, the said Company shall be liable to be summoned before a Magistrate, and shall, on conviction before such Magistrate be liable to a fine not exceeding two hundred Rupees for every such failure.

Power to compel erection or maintenance of gates.

35. If any Railway Company shall fail, whether wilfully or not, to erect or maintain good and efficient gates according to the provisions of Section 33 of this Act, or to employ proper persons to open and shut them, any Magistrate may, after a summons for that purpose shall have been served on the said Company, order the Company to erect or maintain such gates within a time to be specified in the order. Such order may be made by a Magistrate whether the Railway Company itself shall have been charged with, or convicted of wilful failure under Section 34 of this Act or not. In case of wilful failure on the part of the Railway Company to comply with such order, they shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred Rupees for every day that they shall have wilfully failed to comply therewith.

Fine for continued neglect to comply with provisions of Sections 33 and 34.

36. If after any conviction under Section 34 or Section 35 of this Act, the Railway Company so convicted, shall, without lawful excuse, the burden of proving which shall be upon the said Company, neglect within seven days to perform the acts for wilful failure to do which it shall have been convicted, it shall be liable to be again from time to time summoned before a Magistrate, and upon conviction of such continued neglect, shall be liable to a fine not exceeding three hundred Rupees for every day during which such neglect shall have continued since the date of the former conviction, or if more than one conviction shall take place under this Section, since the date of the last preceding conviction.

Service of summons under Section 34, 35 or 36.

37. Any summons issued under Section 34, Section 35 or Section 36 of this Act, may be served upon the Railway Company, either by leaving the same at the Railway Station nearest to the place where the failure or omission shall have occurred, or by leaving the same at the Head Office of the said Railway Company, or by serving the same on the principal Agent or Manager of the Company in India.

Railway to be fenced.

38. Every such Railway Company shall be bound to erect and maintain good and sufficient fences on each side of their Railway; or, failing therein, shall be liable to a fine not exceeding fifty Rupees for every offence. Every such Railway Company shall also be bound either to erect and maintain a good and sufficient fence around any quarry or ballast-pit which they shall have excavated and which, in the opinion of any Magistrate, shall be dangerous to the public, or to fill in such excavation: And it shall be lawful for a Magistrate or Justice of the Peace to order the Company to erect or repair any such fence on each side of the said Railway or around the said quarry or ballast-pit or to fill in any such excavation, within a time to be specified in the order, and upon failure of the Company to comply with such order, they shall be liable to a fine not exceeding fifty Rupees for every day that they fail so to do.

Quarries and ballast-pits to be fenced or filled in.

Penalty for not fencing or filling in.

39. Every Railway Company shall afford all reasonable facilities for the receiving and forwarding and delivering of traffic upon and from the Railway belonging to or worked by such Company and for the return of carriages, trucks, and other vehicles, and no such Company shall make or give any undue or unreasonable preference or advantage to or in favour of any particular person or Company, or any particular description of traffic, in any respect whatsoever, nor shall any such Company subject any particular person or Company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; and every Railway Company having or working a Railway which forms part of a continuous line of Railway communication, or which has the Terminus or Station of the one near the Terminus or Station of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such Railways by the other, without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction may be offered to the public desirous of using such Railways as a continuous line of communication, and so that all reasonable accommodation may, by means of the Railways of the several Companies, be at all times afforded to the public in that behalf.

Duty of Railway Companies to make arrangements for receiving and forwarding traffic without unreasonable delay and without partiality.

Parties complaining that reasonable facilities for forwarding traffic, &c., are withheld, may apply to the High Court.

It shall be lawful for the Advocate General or any other person authorized to act for the Local Government in respect of any judicial proceeding, or for any Company or person complaining against any Railway Companies or Company of anything done, or of any omission made in violation or contravention of this Act, to apply, in a summary way, by motion or summons to the High Court, and it shall be lawful for such Court to hear and determine the matter of such complaint; and for that purpose, if such Court shall think fit, to direct and prosecute, in such mode and by such Engineers, Barristers or other persons as they shall think proper, all such inquiries as may be deemed necessary to enable such Court to form a just judgment on the matter of such complaint; and if it be made to appear to such Court on such hearing, or on the report of any such person, that anything has been done or omission made, in violation or contravention of this Act by such Companies or Company, it shall be lawful for such Court to issue an injunction restraining such Companies or Company from further continuing such violation or contravention of this Act, and enjoining obedience to the same; and in case of disobedience of any such injunction, it shall be lawful for such Court to enforce the same by imprisoning the Agent or Manager of any Company, or any owner, lessee, contractor, or other person failing to obey such injunction, for a term not exceeding two years; and such Court may also, if it shall think fit, make an order directing the payment by any one or more of such Companies of such sum of money as such Court shall determine, not exceeding for each Company the sum of two thousand Rupees for every day, after a day to be named in the order, that such Companies or Company shall fail to obey such injunction, and such monies shall be payable as the Court may direct, either to the party complaining, or into Court to abide the ultimate decision of the Court, or to Her Majesty, and payment thereof may, without prejudice to any other mode of recovering the same, be enforced in like manner as if the same had been recovered by decree in any High Court; and in any such proceeding as aforesaid, such Court may order and determine that all or any costs thereof or thereon incurred shall and may be paid by or to the one party or the other, as such Court shall think fit, and it shall be lawful for any such Engineer, Barrister, or other person, if directed so to do by such Court, to receive evidence on oath or affirmation relating to the matter of any such inquiry, and to administer such oath or affirmation.

Notice of death or accident to be given to Government.

41. Every Railway Company shall, within forty-eight hours after the occurrence upon the Railway or in or upon any of the stations, sheds, sidings, carriages or other property belonging to such Company, of any death or any accident attended with serious personal injury, give notice thereof to the Local Government and also to the Consulting Engineer to such Government.

Fine for not giving notice.

42. If any such Company omit to give such notice, the said Company shall be liable to be summoned before any Magistrate, and shall, on conviction before such Magistrate, be liable to a fine not exceeding fifty Rupees for every day during which such Magistrate shall find the said omission to have continued.

Return of accidents to be delivered to Government.

43. The Local Government may order and direct any such Railway Company to make up and deliver to them a Return of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, or in the construction, maintenance or repair of the line, whether attended with personal injury or not, in such form or manner as the Government shall deem necessary, or require for their information, with a view to the public safety.

Returns of traffic and tolls to be made by Railway Companies.

44. The Local Government may also order and direct every Railway Company to make and deliver to them Returns, according to a form to be provided by such Government, of the aggregate traffic in passengers, according to the several classes, and of the aggregate traffic in cattle and goods respectively, on the Railway, and also a table of all tolls, rates, and charges from time to time levied on each class of passengers, and on cattle and goods, conveyed on the Railway: Provided always, that such Returns shall be required, in like manner and at the same time, from all the said Companies, unless the Local Government shall specially exempt any of the said Companies, and shall enter the grounds of such exemption in the Minutes of their Proceedings.

Fine for non-delivery of Return.

45. If any Return required by this Act shall not be so delivered within fourteen days after the same shall have been required by the Government, the said Company shall be liable to be summoned before a Magistrate, and upon conviction before such Magistrate, shall be liable to a fine not exceeding fifty Rupees for every day during which the said Magistrate shall find that the said Company has omitted, after the expiration of fourteen days from the date of such requisition, to deliver the said Return.

Penalty for continued neglect to give notice or deliver Return.

46. If after any conviction of any failure or omission under Section 41 or Section 45 of this Act, the Railway Company so convicted shall, without lawful excuse, the burden of proving which shall be on the said Company, neglect within seven days to give the notice or deliver the Return for the omission to give or deliver which it shall have been convicted, the said Company shall be liable to be again from time to time summoned before a Magistrate, and upon conviction of such continued neglect, shall be liable to a fine not exceeding the sum of Rupees seventy-five for every day during which the neglect shall have continued from the date of the former conviction, or if more than one conviction shall take place under this Section, since the date of the last preceding conviction.

47. Any summons issued under Section 42, Section 45 or Section 46 of this Act may be served upon the said Railway Company by leaving the same at the Head Office of the said Railway Company, or by serving the same on the principal Agent or Manager of the said Railway Company in India.

Service of summons under Section 42, 45 or 46.

PART VI.

Regulations binding on the Officers and Servants of the Company.

48. Whoever, whether an Officer or servant of any such Company or not, shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause the safety of any person travelling or being upon any such Railway to be endangered, shall be liable to transportation for life, or to imprisonment for any term not exceeding seven years. Whoever shall abet any such act or omission, within the meaning of Sections 107 and 108 of the Indian Penal Code, shall be punishable as if the act or omission had been contrary to the provisions of such Code.

Penalty for wilful act or omission endangering a passenger.

49. If any Officer or servant of such Railway Company shall wilfully do any act which he is legally prohibited from doing, or shall wilfully or negligently omit to do what he is legally bound to do, and if in consequence of such act or omission, the safety of any person travelling or being upon such Railway shall be endangered, such Officer or servant shall be liable to imprisonment for any term not exceeding three years, or to fine, or to both.

Penalty for wilful act or omission in a Railway Officer.

50. Any Officer or servant of such Railway Company, who shall be in a state of intoxication whilst actually employed upon the Railway, or any of the works connected therewith, in the discharge of any duty, and any Officer or servant of such Company who negligently shall omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding fifty Rupees; and if the duty in any of the cases in this Section above-mentioned be such that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway, such Officer or servant, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding one year, or to fine, or to both.

Penalty for drunkenness or breach of duty by Railway Officer.

51. If any person shall rashly or negligently, and without lawful excuse, do any act which shall be likely to endanger the safety of any person travelling or being upon such Railway, he shall, upon conviction before a Magistrate, be liable to imprisonment for a term not exceeding one year, or to fine, or to both. Whoever shall abet any such act within the meaning of Sections 107 and 108 of the Indian Penal Code, shall be punishable as if the act had been contrary to the provisions of such Code.

Penalty for an act not wilful.

52. If any person is charged before a Police Magistrate of a Presidency Town with committing any offence, which under Section 50 or Section 51 of this Act, is punishable on conviction with imprisonment, and if such Police Magistrate shall deem it probable that, in consequence of the probable departure of any material witness from the local limits of the jurisdiction of such Magistrate, the prosecution of such offender in the High Court will be ineffectual, such Magistrate may try the offender, and on conviction may award a sentence not exceeding six months' imprisonment.

Police Magistrate may in certain cases try offences punishable under Sections 50 and 51 with imprisonment.

53. The jurisdiction given to Police Magistrates under the last preceding Section may be exercised, whether the offence shall be charged to have been committed within the local limits of the jurisdiction of such Magistrates or not, and any person hereby made punishable by a Police Magistrate shall be punishable upon summary conviction, but such jurisdiction shall only be exercised if the witnesses necessary for the prosecution of the offender are to be found within the local limits of the jurisdiction of the Police Magistrate before whom the offender is charged.

Extent of jurisdiction.

54. In the construction of this Act, every Officer and servant of such Railway Company shall be deemed to be legally bound to do everything necessary for, or conducive to the safety of the public, which he shall be required to do by any regulation which shall be made by the Company, and allowed by the Governor-General of India in Council, and of which regulation such Officer or servant shall have notice; and every such Officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such regulation he shall be prohibited from doing; and every person employed by or on behalf of such Railway Company to do any act upon the Railway, shall be deemed to be a servant of the Company.

Rule of construction of this Act.

55. Every Officer and servant of any such Railway Company shall be deemed a "public servant" within the meaning of Sections 161, 162, 163, 164 and 165 of the Indian Penal Code.

All Railway servants to be deemed public servants within meaning of Sections 161 to 165 of Penal Code.

56. Every person who shall be guilty of any offence mentioned in Sections 48, 49, 50 and 51 of this Act, may be lawfully apprehended, without any warrant or written authority, by any Officer or servant of the Company, or by any other person whom such Officer or servant shall call to his aid, or by any Police Officer of such grade as shall by any law in force for the time being be entrusted in any case with the power of arrest without a warrant;

Apprehension of offenders.

and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate or Justice of Peace, or other Officer lawfully authorized to punish the offender or to commit him for trial.

Notice of accidents to be given to Police.

57. Within twelve hours after the occurrence upon the Railway or in or upon any of the stations, sheds, sidings, carriages or other property belonging to such Company, of any death or accident, act or omission causing or likely to cause serious personal injury or serious loss of or injury to goods carried thereon, the Station-master at the station nearest to the place of the occurrence shall give notice thereof in writing to the District Superintendent of Police and the Police Station nearest to such place; and if any Station-master shall wilfully omit to give such notice, he shall be liable to a fine of fifty Rupees for every day during which the omission to give the same shall continue.

Penalty for default.

Penalty on Officer of Company making false return.

58. Every Officer of any Railway Company who shall wilfully make any false Return required under this Act to the Local Government, shall be liable to imprisonment for any term not exceeding three years, or to fine, or to both.

PART VII.

As to Fines and Convictions under this Act.

Levy of fines under this Act.

59. All fines imposed under the authority of this Act upon a Railway Company, or upon an officer or servant of a Railway Company may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the Railway Company, by warrant under seal of the Magistrate who shall have imposed the fine, or in case of his absence, sickness or death, by any other Magistrate.

Power to Government to set-off fines against money payable to Company.

60. Whenever a Railway Company shall be convicted and sentenced to pay any fine under this Act, it shall be lawful for the Local Government, if it shall think fit, to set-off and retain the amount of such fine against and out of any money payable to the said Railway Company by or on behalf of the Secretary of State for India in Council. Provided always, that no right of set-off or retainer shall exist in respect of any interest on the paid-up capital of the Company, which shall be payable by the Secretary of State for India in Council to the Railway Company, under any agreement with the said Company, or in respect of any sum payable by the said Secretary of State for India in Council to the Company in England.

Railway Company's servant liable to be summoned where fine imposed on Company in consequence of his negligence or misconduct.

61. In case any fine shall be imposed upon any Railway Company under this Act, and the failure, omission or neglect, for which the same shall be imposed shall have been caused by the negligence or wilful misconduct of any of their servants, such servant shall be liable to be summoned, on the complaint of the said Railway Company, before a Magistrate, and upon proof to the satisfaction of the said Magistrate that the said failure, omission or neglect, was caused by the negligence or wilful misconduct of such servant, it shall be lawful for the said Magistrate to order that such servant shall make good and reimburse to the said Railway Company the amount of the said fine when it shall have been paid by it.

Prosecution of Railway servants for offences under this Act.

62. Whenever any servant of a Railway Company shall be guilty of any act or omission contrary to the provisions of this Act, or by reason of which any accident causing or likely to cause serious personal injury to the public using the Railway, or serious loss of or injury to goods carried thereon, the Company shall give notice thereof to the Local Government and (if such Government shall so direct) shall prosecute such servant before a Magistrate. If any Company shall wilfully omit to give such notice, or if (after being directed as aforesaid) it shall fail to institute and complete such prosecution, every such Company shall be liable, on conviction before a Magistrate, to a fine not exceeding one thousand Rupees.

Penalty in default of prosecution.

Apportionment of fine between servants of Company.

63. If two or more servants of the Railway Company shall be summoned at the same time under Section 61 of this Act, and shall be convicted by the said Magistrate, it shall be lawful for the said Magistrate to apportion the amount of the fine imposed upon the said Company between the several servants, having regard to the degree of negligence of which they have been guilty, and to their rate of pay and rank in the service of the said Company, and to determine how much of the said fine shall be paid or borne by each of the defendants.

Provision when superior servant also guilty of negligence or misconduct.

64. Provided always that, if it shall appear to the said Magistrate, that although the said servants have been guilty of negligence or wilful misconduct, the failure, omission or neglect by the Railway Company would not have occurred but for the negligence or misconduct of some other servants of the Railway Company, superior in rank or in the amount of pay to the servants so summoned, and that such superior servant is capable of being summoned, the Magistrate shall not make any order to pay the amount against the servants so summoned as aforesaid, until such superior servant shall have been also summoned under the said Section 61, and shall adjourn the case for the purpose of issuing such summons. Upon the return of the said summons, the Magistrate may adjudicate upon the case according to the provisions of Section 61 of this Act, both as regards the servant or servants originally summoned and the superior servants subsequently summoned.

Levy or set-off if amount of fine payable by servant.

65. In case of a conviction under Section 61, 63 or 64 of this Act, it shall be lawful for the Railway Company either to proceed to levy the amount ordered to be paid by such

servant by sale of the goods and chattels of such servant, and if necessary by commitment of the said servant according to the provisions of Section 70 of this Act, or, if it shall think fit, to set-off and retain the amount so ordered to be paid, or any part thereof, against, or out of, any money payable from time to time by the said Railway Company to the said servant, and if such money shall not be sufficient for that purpose, to proceed to levy the unpaid residue of the amount so ordered to be paid, by distress and sale, or by commitment as aforesaid. Provided always, that no warrant or order shall be signed or granted by any Magistrate for the issue of any distress against such servant, or for the detention or confinement of such servant, unless the said Magistrate shall be satisfied that the Railway Company has paid or satisfied the fine as ordered to be paid by it as aforesaid.

Jurisdiction of Magistrate, &c., to fine.

66. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such Officer or not; and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

Conviction to be quashed on merits only. Form of conviction, &c.

67. No conviction, order or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions.

Magistrate may refer case to his Assistant or Deputy.

68. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant; and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistant or Deputy Magistrate, acting judicially.

Local Government may authorize Assistant to exercise without reference, powers given to them on reference.

69. The Local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one calendar month from the date of conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

Proviso.

Fines how to be recovered.

70. All fines imposed under the authority of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers. In case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the such Officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Jurisdiction in the Madras and Bombay Presidencies.

71. The heads of District Police and Ameens of Police in the Presidency of Madras, and District or joint Police Officers in the Presidency of Bombay, may punish, to the extent of the powers conferred upon them respectively in petty offences, any offence hereby made punishable by fine not exceeding twenty Rupees.

PART VIII.

Miscellaneous.

Company to regulate the use of the Railway.

72. It shall be lawful for any such Company, from time to time, subject to the provisions of this Act, to make regulations for the following purposes: (that is to say)—

For regulating the mode by which, and the speed at which, carriages using the Railway are to be moved or propelled;

For regulating the times of the arrival and departure of any such carriages;

For regulating the lighting, loading or unloading of such carriages, and the number of passengers or the weights which such carriages are respectively to carry;

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages;

And, generally, for regulating the travelling upon, or using and working of the Railway;

But no such regulation shall authorize the closing of the Railway, or prevent the passage of engines or carriages on the Railway at reasonable times, except at any time when, in consequence of any of the works being out of repair, or from any other sufficient cause, it shall be necessary to close the Railway, or any part thereof.

Power to make regulations by bye-laws.

73. For better enforcing the observance of all or any of such regulations, it shall be lawful for the Company to make bye-laws, and from time to time to repeal or alter such bye-laws, and make others, provided that such bye-laws be not repugnant to the laws of British India, or to the provisions of this Act and be confirmed or allowed by the Local Government; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Company; and any person offending against any such bye-law shall be liable for every such offence to a fine not exceeding fifty Rupees, to be imposed by the Company in such bye-laws as a penalty for any such offence, and if the infraction or non-observance of any such bye-law or other such regulation as aforesaid, be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the Railway, it shall be lawful for the Company summarily to interfere to obviate or remove such danger, annoyance or hindrance, and that without prejudice to any penalty incurred by the infraction of any such bye-law.

Publication of such bye-laws.

74. The substance of such last mentioned bye-laws, when confirmed or allowed by the Local Government shall be painted on boards or printed on paper in English and the vernacular language of the District, and pasted on boards and hung up and affixed and continued on the front or other conspicuous part of every Station belonging to the Company, according to the nature or subject-matter of such bye-laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby, and such boards shall from time to time be renewed as often as the bye-laws thereon or any part thereof shall be obliterated or destroyed. No fine imposed by any such bye-laws shall be recoverable, unless the same shall have been published and kept published in manner aforesaid.

Such bye-laws to be binding on all parties.

75. Such bye-laws, when so confirmed, published and affixed, shall be binding upon, and be observed by, all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such bye-laws, it shall be sufficient to prove that a printed paper or printed board, containing a copy of such bye-laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

Copy and translation of Act to be shown at Railway Stations.

76. A copy of this Act, and of the General Regulations, Time Tables, and Tariff of charges, which shall from time to time be published by any Railway Company with the sanction of the Local Government, shall be exhibited in some conspicuous place at each Station of every Railway, so that they may be easily seen and read, and all such documents shall be so exhibited in English and in the vernacular language of the District in which the Station is situate, and in such other language, if any, as shall be required by order of the Local Government.

All Indian Railways to be within the Act.

77. Every Railway within India used for the public conveyance of passengers or goods, shall, until the contrary be proved, be presumed to be a Railway within the meaning of this Act; and every Company to whom any such Railway shall belong shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to consolidate and amend the law relating to Railways in India. It repeals and re-enacts, with the necessary alterations and additions, Act No. XVIII of 1854 with the amending Act No. LII of 1860.

The principal alterations are the following :—

Act XVIII of 1854 only applies to the Railways working under the superintendence of Government. The present Bill applies to all Indian Railways and Tramways, whether under the superintendence of Government or not, and whether opened or not for traffic.

The Act only applies to the Territories in the possession and under the government of the Company. The Bill applies not only to the Territories vested in Her Majesty under 21 & 22 Vic., Cap. 106, but also (so far as regards British subjects) to the dominions of allied Princes and States in the East Indies.

The chief additions are as follows :—

Opium has been added to the list of articles mentioned in Section 10 of the Act, for the loss of which the Company is not liable in the absence of a special contract.

The Local Government, like the Board of Trade under 5 & 6 Vic., Cap. 55, Section 14, is empowered to authorize Railway Companies to enter upon adjoining lands to repair accidents. The Local Government is also to appoint a proper Officer to inspect any Railway, and a penalty is imposed on persons obstructing such Inspector. These provisions are taken from the Statute 3 & 4 Vic., Cap. 97, Sections 5 and 6. Before opening any Railway for passenger traffic, a month's notice in writing is to be given by the Company to the Local Government. The Local Government is empowered to

postpone the opening. Here again English statutory provisions have been adopted. When a line has been opened and becomes unsafe in any part, the Local Government is empowered to close such part until it may be re-opened with safety.

Provision is made to compel the Companies to erect and maintain the gates mentioned in Section 19 of the Act, and to employ proper persons to open and shut them. Dangerous quarries and ballast-pits are to be fenced or filled up.

The Companies are required to make arrangements for receiving and forwarding traffic without unreasonable delay, and without partiality, and persons complaining that reasonable facilities for forwarding traffic, &c., are withheld, may apply to the High Court. The provisions on this head are taken, with the necessary modifications, from the English Statute 17 & 18 Vic., Cap. 31.

The Companies are required, within forty-eight hours, to give notice to the Local Government and the Consulting Engineer, of any death or serious accident upon the Railway. They will also have to make Returns of such accidents, and of the aggregate traffic in passengers, cattle, and goods. Tables of tolls are also to be made and delivered to Government. Such traffic returns and tables are required in England by Statute 3 & 4 Vic., Cap. 97.

As to Railway servants, the Bill provides that they are to be deemed "public servants" within the meaning of Sections 161—165 of the Indian Penal Code. This, it is hoped, will discourage the practice of accepting bribes to forward goods, which is said to prevail to a serious extent. The Bill also contains provisions requiring Station Masters to give notice of accidents to the Police, and imposes penalties on Railway Officers making false Returns. As to fines and convictions, the principal additions are a power to Government to set-off fines on a Company against money payable to the Company by the Secretary of State for India. This, of course, is not to apply to guaranteed interest on the paid-up capital of the Company. The Bill also contains provisions as to the liability of a Railway Company's servant when a fine is imposed on the Company in consequence of his neglect: as to the prosecution of such servants for offences under the Bill: as to the apportionment of fines between them where an offence has been jointly committed; and as to the levy or set-off by the Company of the amount of fine payable by any such servant.

Lastly, the Bill empowers the Companies to make bye-laws to regulate the use of the Railways and provides for the publication and enforcement of such bye-laws.

With these additions to the Railway law and with the provisions as to fines necessary to give them effect, the Bill has become so lengthy as to render it desirable to divide it into parts with titles. Part I contains some preliminary provisions. Part II, regulations as to passengers, their fares, and luggage. Part III, regulations as to goods. Part IV, the regulations for the protection of the Officers, servants, and property of Railway Companies. Part V, the regulations binding on the Companies. Part VI, the regulations binding on Railway Officers and servants. Part VII relates to fines and convictions under the Act; and Part VIII contains some miscellaneous enactments, including the provisions as to bye-laws.

G. N. TAYLOR.

The 2nd January 1866.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,

Home Department (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 5th January 1866, and was referred to a Select Committee, with instructions to make their report thereon in six weeks:—

No. 28 OF 1865.

A Bill to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.

Preamble.

Whereas it is expedient to provide a summary procedure for the recovery of money due on dishonoured Bills of Exchange, Hundís and Promissory Notes; and whereas inconvenience is felt by persons engaged in trade by reason of the laws of British India being in some particulars different from those of England in matters of common occurrence in the course of such trade; and whereas, with a view to remedy such inconvenience, it is expedient to amend the laws of British India as hereinafter is mentioned: It is enacted as follows:—

Interpretation Clause.

"British India."

1. In this Act—unless there be something repugnant in the subject or context—"British India" shall mean the territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., Cap. 106 (*An Act for the better Government of India*).

"Local Government."

And in every part of British India in which this Act shall operate, "Local Government" shall mean the person authorized by law to administer executive Government in such part:

"High Court."

"High Court" shall mean the highest Civil Court therein in its ordinary original Civil jurisdiction; and

"Chief Justice."

"Chief Justice" shall mean the Chief Justice, or Senior Judge, or any other Judge for the time being authorized to act as Chief Justice, or Senior Judge of any such Court.

2. From and after the first day of May 1866, all suits upon Bills of Exchange, Hundís or Promissory Notes commenced in any High Court within six calendar months after the same shall have become due and payable, may, in case the plaintiff shall desire to proceed under this Act, be commenced as hereinafter is mentioned (that is to say) the plaint shall be in the form prescribed by the Code of Civil Procedure; but the summons shall be in the form contained in the Schedule to this Act; and in any case in which the plaint and summons shall be in such forms respectively, it shall not be lawful for the defendant to appear to or defend the suit unless he shall obtain leave from a Judge as hereinafter mentioned so to appear and defend; and in default of his obtaining such leave or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by the Chief Justice, unless the plaintiff claim more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be enforced forthwith.

From and after 1st May 1866, in all suits upon Bills of Exchange, &c., if plaintiff desires to proceed under this Act, the summons shall be in the form given in the Schedule.

3. The Court may, upon application within the period of twelve days from the service of such summons, give leave to appear and to defend the suit, upon the defendant paying into Court the sum mentioned in the summons or upon affidavits satisfactory to the Court, which disclose a defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise as to the Court may seem fit.

Defendant showing a defence upon the merits to have leave to appear.

4. After decree, the Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to appear to the summons and to defend the suit, if it shall seem reasonable to the Court so to do and on such terms as to the Court may seem just.

Court may, under special circumstances, set aside decree.

5. In any proceedings under this Act, it shall be competent to the Court to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all proceedings shall be stayed until the plaintiff shall have given security for the costs thereof.

Court may order Bill to be deposited with Officer of Court in certain cases.

6. The holder of every dishonoured foreign Bill of Exchange or Promissory Note shall have the same remedies for the recovery of the expenses incurred in noting the same or non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this Act for the recovery of the amount of such Bill or Note.

Remedy for recovery of cost of noting non-acceptance of dishonoured Bill.

The provisions of the Code of Civil Procedure and all rules made under or by virtue of the said Code shall, so far as the same are or may be made applicable, extend and apply to all proceedings to be had or taken under this Act.

Civil Procedure Code and rules made thereunder to apply to proceedings under this Act.

8. It shall be lawful for the Local Government to direct that all or any part of the provisions in Sections 2 to 7, both inclusive, of this Act shall, *mutatis mutandis*, apply to all or any other Courts or Court in the territories under such Government, and within one month after such order shall have been made and published in the official Gazette, such provisions shall extend and apply in manner directed by such order, and any such order may be in like manner from time to time altered and annulled. In and by any such order the Local Government may direct by whom any powers or duties incident to the provisions applied under this Act, shall and may be exercised with respect to matters in such other Courts or Court, and may make any orders or regulations which may be deemed requisite for carrying into operation in such Courts or Court the provisions so applied.

Local Government may extend Act.

9. No special promise to be made by any person after the passing of this Act to answer for the debt, default or miscarriage of another person, being in writing, and signed by the party to be charged therewith or some other person by him thereunto lawfully authorized, shall be deemed invalid to support a suit to charge the person by whom such promise shall have been made, by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

Consideration for guarantee need not appear by writing.

10. No promise to answer for the debt, default or miscarriage of another made to a Firm consisting of two or more persons, or to a single person trading under the name of a Firm, and no promise to answer for the debt, default or miscarriage of a Firm consisting of two or more persons, or of a single person trading under the name of a Firm, shall be binding on the person making such promise in respect of any thing done or omitted to be done after a change shall have taken place in any one or more of the persons constituting the Firm, or in the person trading under the name of a Firm, unless the intention of the parties, that such promise shall continue to be binding notwithstanding such change, shall appear either by express stipulation or by necessary implication from the nature of the Firm or otherwise.

Guarantee to or for a Firm to cease upon a change in the Firm, except in special cases.

11. No acceptance of any Bill of Exchange, whether Inland or Foreign, made after the first day of May 1866, shall be sufficient to bind or charge any person, unless the same be in writ-

Acceptance of a Bill, Inland or Foreign, to be in writing on it, and signed.

ing on such Bill, or, if there be more than one part of such Bill, on one of the said parts, and signed by the acceptor or some person duly authorized by him.

What are to be deemed "Inland Bills."

12. Every Bill of Exchange or Promissory Note drawn or made in any part of British India, and made payable in or drawn upon any person resident in any part of British India, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the stamp duty, if any, which, but for this enactment, would be payable in respect of any such Bill or Note.

Suits on lost negotiable instruments:

13. In case of any suit founded upon a Bill of Exchange or other negotiable instrument, if it shall be proved to the satisfaction of the Court that the instrument is lost, and if an indemnity be given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, it shall be lawful for the Court to make such decree as it would have made if the plaintiff had produced the instrument in Court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

SCHEDULE.

No. of Suit.

In the High Court of at

Plaintiff
Defendant

To [*here enter the defendant's Name, Description and Address*].

Whereas [*here enter the plaintiff's name, description and address*] has instituted a suit in this Court against you under Act No. of 1866 (to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India) for Rs. principal and interest [*or* Rs. balance of principal and interest] due to him as the Payee [*or* Indorsee] of a Bill of Exchange [*or* Hundí *or* Promissory Note] of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within twelve days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such twelve days to obtain a decree for any sum not exceeding the sum of Rs. [*here state the sum claimed*] and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[*Here copy the Bill of Exchange, Hundí or Promissory Note, and all endorsements upon it.*]

STATEMENT OF OBJECTS AND REASONS.

The present Bill, the bulk of which is founded lon wo English Statutes relating to mercantile aw, is introduced, partly because of the obvious expediency of having the law merchant of India identical with that of England, but chiefly because of the important improvements which those Statutes have effected.

Sections 2—8 of the Bill are transcribed from the Summary Procedure on Bills of Exchange Act (18 & 19 Vic., cap. 67), with such changes as Indian procedure renders necessary or expedient. They will at present only apply to the High Courts in their ordinary original Civil jurisdiction. But as the English Statute has worked so well that it has been extended to the County Courts and Ireland, it is probable that an analogous extension may be found desirable in India, and the present Bill accordingly empowers the Local Governments to extend these sections to the Courts in the Mofussil. The English Statute gives every reasonable opportunity to set up *bonâ fide* defences, while it deprives the ordinary class of defendents in actions on bills of exchange and promissory notes of the opportunities which they formerly enjoyed in England, and still enjoy in India, of delaying their creditors and putting them to useless expense. The word 'foreign' has been inserted in the Section corresponding with Section 5 of the English Statute, so as to prevent the recovery of expenses caused by the unnecessary employment of notaries.

Sections 9—12 of the Bill correspond with Sections 3, 4, 6, 7 of the English Statute 19 & 20 Vic., cap. 97. They declare that the consideration for a guarantee need not be in writing—so far modifying the requirements of the Statute of Frauds. They provide that a guarantee to or for a firm shall, except in special cases, cease upon a change in the firm. They further provide that acceptances of all bills, whether inland or foreign, shall be in writing, signed by the acceptor, or some person duly authorized by him. The Bill also declares what bills in British India shall be deemed "Inland Bills," a matter on which some doubt exists.

Section 13, modelled on Section 87 of the Common Law Procedure Act, 1854, empowers the Court, in case of a suit on any lost negotiable instrument, to make a decree in favour of the plaintiff, provided he proves the loss and gives a proper indemnity against the claims of any other person on the instrument.

H. S. MAINE.

The 18th December 1865.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 19th January 1866.

We the undersigned, the Members of the Select Committee of the Council of the Governor-General of India for the purpose of making Laws and Regulations, to whom the Bill to legalize, under certain circumstances, the re-marriage of Native Converts to Christianity was referred, have the honour to report as follows :—

1. The Bill and the legislative proceedings relating to it having been extensively circulated with the express object of eliciting opinion from the various persons and religious communities interested in the measure, a very great number of papers having reference to it have been received in the Legislative Department. A list of them will be found in the Appendix to our Report. Most of these communications discuss the principle of the proposed Bill, and on these we will only remark that the weight of opinion, so far as it can be collected from them, appears to be in favour of the measure. The details of the Bill are, however, criticized in a certain number of the documents which have been sent in. To such criticisms we have given our careful attention, and we have derived from them much valuable assistance.

2. In compliance with the nearly unanimous wish of the persons and bodies which have addressed the Legislature on the subject, we have provided in the Bill, as amended by us, for the dissolution of the former marriage in all cases where the Petitioner obtains a decree permitting re-marriage. The change necessitates an alteration in the title of the Bill, and enables us to omit several Sections which were contained in the original draft.

3. We propose that the procedure to be followed when the Petitioner is a female shall differ in some respects from the procedure prescribed by the Bill in the case of male Petitioners. We are of opinion, after careful consideration, that the difficulties attending compulsory private interviews in cases where the convert is a female, and the husband retains his native religion, are insuperable. We have, therefore, provided that in such cases the male respondent shall be merely interrogated by the Judge, and that upon his reiterated refusal to cohabit with the Petitioner, a decree shall be made dissolving the marriage. But we have introduced a proviso that, if the Petitioner so desire, the procedure shall be in all respects identical with that which male Petitioners are bound to follow.

4. The degree of respect due to infant marriages is a subject a good deal discussed in the papers before us. We have not thought fit to assume the absolute nullity of such marriages, but we propose that when the parties have reached the age which admits of a suit being instituted under the Bill, the unconverted partner shall be once interrogated, and that, in case of a refusal to cohabit, a decree shall issue.

5. We provide that there shall be no appeal from any of the orders passed in a suit under the Bill. While the power of appeal, however limited, might be employed to protract the proceedings to an inordinate length, we think it would be of little service to the ends of justice, the questions to be tried being necessarily for the most part questions of fact of the simplest kind, and the Court empowered to try them being a tribunal of dignity and authority, the District Court in the Mofussil, and the High Court on its original side in the Presidency Towns.

6. As apprehension is expressed in many of the papers before us that the expense of the proceedings will be beyond the means of the classes to which the converts in general belong, we have reduced the stamp on the petition from ten rupees to two.

7. A point which we have anxiously considered is the claim of the Roman Catholics to be exempted from the Bill. The Roman Catholic Clergy have addressed to us several urgent representations which will be found among the papers circulated through the Council, and they deputed Dr. Hartmann, the Vicar-Apostolic of Patna, to confer with the Legislative Department on the subject of the proposed legislation. While they express their approval of the principle of the measure, and affirm that it has always had the sanction of their Church, they assert that they have a procedure of their own, founded on the Canon-law and of much antiquity, which, though it does not widely differ from the procedure prescribed by the Bill, is, nevertheless, not exactly identical with it. They aver that it would be against their conscience and their duty to substitute any secular procedure for that which their own ecclesiastical authorities direct to be observed. As we are satisfied of the existence of such a procedure, and as we feel ourselves compelled to attach weight to the fact that the British Government in Ireland and in its Colonial dependencies has never attempted to interfere with Roman Catholic discipline on the subjects of marriage and divorce, we have thought fit to introduce a Section which will have the effect of placing the Roman Catholic Clergy and their converts on the same footing in which they would have been if Act XXV of 1864 and Act V of 1865 had not passed.

8. The communications which we have hitherto noticed have proceeded from persons or bodies professing the Christian religion. Other documents have been received by us which discuss the provisions of the measure from the point of view of the unconverted partner whose marriage is sought to be dissolved.

9. The Mahometans claim to be totally exempted from the Bill. The Mahometan community of Bengal, in a temperately worded petition, have represented that, by the law of their religion, which is also the secular law applicable to marriage and divorce, the conversion of either husband or wife from Mahometanism entails a cancelment of the marriage so complete that the partners cannot re-marry without certain special formalities. They cite many passages from their religious writers in favour of their proposition, and the greatest part of their petition is occupied with a representation of the consequences which would follow if persons who, on the assumption that the view taken by the petition is correct, are no longer husband and wife, were confronted in the manner directed by the Bill. As the force of the argument depends wholly on the soundness of the legal position taken up, we have attentively considered the authorities cited, and have had them critically examined by our Hon'ble colleague, Mr. Muir, whose competency to deal with a question of the kind will not be disputed. We have convinced ourselves accord-

ingly that the view taken by the Mahometan petitioners is correct, and we find that the law is similarly laid down in English text-books of Mahometan jurisprudence written before the Bill was contemplated. Inasmuch, however, as the authorities cited are from writers held in respect, more particularly by the Sunni section of Mahometans, we thought proper to communicate on the subject, through the Chief Commissioner of Oudh, with the Mujtahid, the religious head of the Shiah Mahometan community. The law laid down by him corresponds exactly with the allegations of the Petitioners. Under these circumstances, it is not only undesirable, but impossible, to include Mahometans in the Bill. The re-marriage of a convert to Christianity from Mahometanism is not forbidden by any existing law. Nor is the celebration of such marriage an illegal act.

10. Some attempt has been made to show that the conversion of a married person from Hindúism to another religion entails a divorce by force of law. We are not, however, satisfied with the arguments by which this view is supported, and, moreover, it is only maintained in the case, comparatively rare in practice, where the wife is a convert, while the husband remains a Hindú. We have, therefore, retained the procedure of the Bill in its application to Hindúism and other Native religions of India. At the same time, we believe that most, if not all, of the objections advanced by Hindús to the measure may be met by provisions which are not at variance with its spirit. In our endeavours so to neutralize these objections, we have been much aided by papers circulated by our Hon'ble colleagues the Mahárájá of Vizianagram and the Mahárájá of Burdwan, and also by a petition from the British Indian Association of Bengal.

11. We have provided, in the amended Bill, that wherever the respondent is a female who, under the Code of Civil Procedure, would be excused from personal appearance in Court, she shall be exclusively interrogated by Commissioners. We have given a similar privilege to all female respondents whom, whether they be entitled to exemption from appearance under the Code or not, the Judge in his discretion may think fit to relieve from the necessity of personal attendance. We have further adopted a suggestion made both by the Mahárájá of Vizianagram and by the Mahárájá of Burdwan, and have permitted the Judge to compose the Commission either wholly of females or of males and females together. The Judge is also empowered to depute to delegates, who may be females, the discretion which is vested in him with respect to interviews between the convert and the unconverted partner.

12. The only Section of the Bill as originally drafted, which related to the custody of children, was one which provided, that children in the sole custody of the father should be given up to the mother until they attained the age of three. We find that objections have been made to this Section from opposite points of view. After weighing these objections, we are disposed to accede to the opinion expressed by our late colleague, Mr. Harington, and to admit that the Legislature would do wisely to abstain from regulating the guardianship or custody of children born before the conversion of the father or mother. We propose, therefore, to omit the Section. The effect will be to leave the general law of India to decide all questions of guardianship, and of the right to custody of the persons of the children.

13. We recommend, that the Bill as amended by us be passed; but that it be published for at least three weeks previously in the *Gazette of India*, together with our present Report.

JOHN LAWRENCE.
C. BEADON.
H. S. MAINE.
G. N. TAYLOR.
W. MUIR.
S. ST. J. GORDON.

The 15th January 1866.

APPENDIX.

From Secretary to Government of Bombay, dated 23rd December 1852.

From Reverend John Wilson, D. D., dated 17th January 1852.

From Secretary to Government of Bengal, dated 3rd August 1853.

From Reverend J. Parry, Marriage Registrar, Jessore, dated 17th November 1852.

From Under Secretary to Government of Bengal, dated 25th November 1852.

From Solicitor to the East India Company, dated 10th December 1852.

From Under Secretary to Government of Bengal, dated 16th December 1852.

From Marriage Registrar, Jessore, dated 14th July 1853.

Minute by the Most Noble the Governor-General, dated 12th August 1853.

Minute by the Honourable Mr. Lowis, dated 16th August 1853.

Minute by the Honourable Mr. Dorin, dated 17th August 1853.

Minute by the Honourable Mr. Peacock, dated 18th August 1853.

Minute by the Most Noble the Governor-General, dated 26th August 1853.

Minute by the Honourable Mr. Lowis, dated 27th August 1853.

Minute by the Honourable Mr. Dorin, dated 29th August 1853.

Minute by the Honourable Mr. Peacock.

From Officiating Secretary to Government of India, Home Department, dated 30th September 1853.

From ditto ditto, dated 30th September 1853.

From the Government of India, to the Hon'ble the Court of Directors, dated 30th September 1853.

From Under Secretary to Government of Bengal, dated 3rd November 1853.

From Secretary to Government of India, Home Department, dated 18th November 1853.

From the Honourable the Court of Directors, dated 7th December 1853.

Draft Bill by the Honourable Mr. Peacock.

From Reverends W. Knight and H. Straith, dated 26th July 1860.

From Secretary to Calcutta Missionary Conference, dated 10th October 1863.

From Secretary to Government of Bengal, dated 9th August 1864.

From Secretary to Calcutta Missionary Conference, dated 29th July 1864.

From Secretary to Government of India, Home Department, dated 29th August 1864.

From Reverend J. Mullens, D. D., to the Hon'ble H. S. Maine, dated 9th November 1864.

From Orissa Missionary Conference, to the Hon'ble H. S. Maine, dated 14th December 1864.

Petition of the Clergymen of the Church of England, resident in Calcutta and its neighbourhood.

Remarks and suggestions by the Hon'ble the Mahárájá of Burdwan, dated 18th January 1865.

Memorial of the Bombay Association.

Remarks and suggestions by the Hon'ble the Mahárájá of Vizianagram, dated 23rd March 1865.

Petition of certain Protestant Missionaries and Ministers, resident in and near Calcutta, dated 7th March 1865.

Petition of the Reverend Angus McKenna, Missionary of the Baptist Society, dated 18th January 1865.

From Reverend E. Edwards, Monghyr, dated 8th May 1865.

Petition of the Members of the Benares District Committee of the London Missionary Society.

From Dr. Mullens, Secretary, Missionary Conference, Calcutta, dated 12th July 1865.

From Reverend H. Heinig, Benares, dated 13th March 1864.

From Reverend J. Buckley, Orissa Mission, Cuttack, dated 21st April 1865.

From Reverend E. Parker, Moradabad, dated 5th May 1865.

From Reverend A. Rudolph, Loodianah, dated 17th April 1865.

From Reverend A. Miller, Balasore, dated 13th March 1865.

From Reverend W. Tracy, and the American Mission, Madura, dated 29th May 1865.

From Reverend J. W. Gordon, Vizagapatam, dated 10th May 1865.

From Reverend S. C. Dean, Sattara, dated 11th April 1865.

From Reverend F. Kremmer and the Leipsig Mission, Madras, dated 11th May 1865.

From Reverend J. M. Haswell, Moulmein, dated 24th May 1865.

From Reverend E. A. Stevens, and the American Mission, Rangoon, dated 10th May 1865.

Returns of cases illustrating the "Re-marriage of Converts' Act."

Remarks by Dr. Mullens.

From Bishop and Vicar Apostolic, Madras, No. 95, dated 6th July 1865.

Petition of Protestant Missionaries and Ministers, resident in and near Madras.

From Right Reverend the Lord Bishop of Calcutta, dated 15th August 1865.

Reverend K. M. Banerjea's reasons for signing the clerical petition against the Re-marriage of Converts' Bill.

Statistics of the Bhowanipoor Church, London Missionary Society.

Statistics of the Free Church Mission in Bengal.

Statistics of the S. P. G. and other Missions in Tallygunge, Howrah, and Calcutta.

From Reverend R. R. Winter, M. A., S. P. G. Missionary, Delhi, dated 11th April 1865.

From Reverend Tarachand, Missionary at Delhi, dated 5th May 1865.

From Reverend H. Stern, Missionary, Goruckpore, dated 28th February 1865.

From some of the Church Missionaries at Benares, dated 22nd June 1865.

From Reverend A. R. Symonds, Madras, dated 9th March 1865.

Extract from Minutes of the Tinnevelly Missionary Conference held at Elanjunie, dated 5th April 1865.

From Reverend W. T. Sattbianadhan, Madras, dated 25th March 1865.

From Reverend S Slater, Simla, dated 1st March 1865.

The Lord Bishop's pastoral letter to the Clergy of the Diocese of Calcutta, dated 25th February 1865.

From the Ven'ble the Archdeacon, Calcutta, dated 23rd September 1865.

Memorial of the Clergy of the Diocese of Calcutta.

Appendix to Memorial (Statement of separation, reconciliation, &c.)

Notes on the above Statement.

Petition of American Missionaries residing in the Bombay Presidency, dated 26th August 1865.

Petition of the Protestant Missionaries of the United Presbyterian Church of Scotland, Rajpootana.

Extract from the *Calcutta Christian Intelligencer* for September 1865.

Memorandum of the Tinnevelly Local Committee of the Society for the Propagation of the Gospel, dated 21st August 1865.

From the Right Reverend the Lord Bishop of Bombay, dated 6th November 1865.

Memorial from the Clergy of the Church of England, resident in Bombay.

Memorial from the Right Reverend Dr. A. Hartmann, Bishop, Vicar Apostolic of Patna, dated 23rd November 1865.

Petition from Joseph Owen, Moderator, on behalf of the Synod of Northern India, Umballa, dated 20th November 1865

From the Right Reverend the Lord Bishop of Madras, dated 18th November 1865.

Resolution of a Meeting of the S. P. G. Missionaries in Tanjore Division.

Extract from Minutes of Conference of the C. M. S. Missionaries, Tinnevelly, dated 5th April 1865.

Extract from Minutes of the Quarterly Meeting of the Masulipatam Church Missionary Conference, dated——August 1865.

From Reverend Dr. Murphy, Chaplain, Registrar of the Diocese of Madras, dated 10th May 1865.

From Reverend R. Collins, Principal of the C. M. S. College at Cottayam, Travancore.

From Reverend C. E. Kennet, S. P. G. Missionary, Tinnevelly, dated 24th March 1865.

From Reverend C. S. Kohlhoff, S. P. G. Missionary, Tanjore Division, dated 25th September 1865.

From Reverend H. Baker, C. M. S. Missionary, Travancore, dated 30th September 1865.

From Missionaries of the Basel German Mission.

One groaning under the Marriage Act of 1864, dated 23rd November 1865.

Memorial of the Catholic Bishops of Southern India.

From Reverend F. Schurr, dated 9th November 1865.

Petition of certain Native Christian subjects in Bengal.

Remarks on the pamphlet containing the memorial of the Clergy of the diocese of Calcutta, and the Reverend K. M. Banerjea's introductory remarks.

Memorial of the Native Hindú community of the North-Western Provinces and Punjab, dated 29th November 1865.

Memorial of the British Indian Association, dated 7th December 1865.

From Mahárájá of Benares, dated 31st January 1865.

Petition of Free Presbytery of Bombay, dated——December 1865.

Petition of the Mahomedan inhabitants of the town and suburbs of Calcutta.

Petition of the Presbyterial Body of the Church of Scotland in Bombay.

From Moonshee Ameer Ali, dated 20th December 1865.

Petition of Native Christians residing in Ahmednuggur, Bombay, dated 13th December 1865.

Opinion of Mujtahid or Chief Authority of the Shiahs, Lucknow.

Petition of certain Hindús.

Memorial of certain Native Christians.

AMENDED BILL.

A Bill to legalize, under certain circumstances, the dissolution of marriages of Native Converts to Christianity.

Preamble.

Whereas it is expedient to legalize, under certain circumstances, the dissolution of marriages of Native Converts to Christianity deserted or repudiated, on

religious grounds, by their wives' or husbands; It is enacted as follows:—

Short title.

1. This Act may be cited as "The Native Converts' Divorce Act, 1866."

Commencement of Act.

2. This Act shall commence and take effect on and from the first day of May 1866.

Interpretation of terms "Native Husband."

3. In this Act—

"Native Husband" shall mean a married man domiciled in British India, who shall have completed the age of sixteen years, and shall neither be a Christian, a Mahomedan, nor a a Jew:

"Native Wife."

"Native Wife" shall mean a married woman domiciled in British India, who shall have completed the age of thirteen years, and shall neither be a Christian, a Mahomedan, nor a Jewess:

"Native Law."

"Native Law" shall mean any law, or custom having the force of law, of any persons domiciled in British India other than Christians, Mahomedans and Jews:

"Month" and "year."

"Month" and "year" shall respectively mean month and year according to the British calendar:

"Number."

And, unless there be something repugnant in the subject or context, words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Convert deserted by his wife on religious grounds may sue for conjugal society.

4. If a Native husband change his religion for Christianity, and if solely in consequence of such change his Native wife, for the space of six continuous months, desert or repudiate him, he may sue her for conjugal society.

Convert deserted by her husband on religious grounds may sue for conjugal society.

5. If a Native wife change her religion for Christianity, and if solely in consequence of such change her Native husband, for the space of six continuous months, desert or repudiate her, she may sue him for conjugal society.

Court in which suit shall be brought.

6. If the respondent, at the time of commencement of such suit, reside within the local limits of the ordinary original civil jurisdiction of any of the High Courts of Judicature, the suit shall be commenced in such Court: otherwise it shall be commenced in the principal Civil Court of original jurisdiction of the District in which the defendant shall reside at the commencement of the suit.

Suit to be commenced by verified petition.

7. The suit shall be commenced by a petition in the form in the first schedule to this Act, or as near thereto as the circumstances of the case will allow. The statements made in the petition shall be verified by the Petitioner in the manner required by law for the verification of plaints; and the petition shall bear a stamp of two rupees, and may be amended by permission of the Court.

On service of petition, citation issued to respondent.

8. A copy of the petition shall be served upon the respondent, and the Court shall thereupon issue a citation under the seal of the Court and signed by the Judge.

Form of citation.

9. In ordinary cases the citation shall be in the form in the second schedule to this Act, or as near thereto as the circumstances of the case will allow. But where the respondent is exempt by law from personal appearance in Court, or where the Judge shall so direct, the citation shall be in the form in the third schedule to this Act, or as near thereto as the circumstances of the case will allow.

Service of citation.

10. A copy of the citation sealed with the seal of the Court shall be served on the respondent; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to citations under this Act.

Procedure where respondent does not obey citation.

11. If the respondent shall not obey such citation, and comply with every other requirement made upon her or him under the provisions of this Act, she or he shall be liable to punishment under Section 174 of the Indian Penal Code.

Points to be proved on appearance of parties.

12. On the day fixed in the citation the petitioner shall appear in Court, and the following points shall be proved:—

(1.) The identity of the parties:

(2.) The marriage between the Petitioner and the respondent:

(3.) That the male party to the suit has completed the age of sixteen years, and that the female party to the suit has completed the age of thirteen years:

(4.) The desertion or repudiation of the Petitioner by the respondent:

(5.) That such desertion or repudiation was in consequence of the Petitioner's change of religion;

(6.) And that such desertion or repudiation had continued for the six months immediately before the commencement of the suit.

First interrogation of respondent.

13. The respondent, if such points be proved to the satisfaction of the Judge, shall thereupon be asked whether she or he refuses to cohabit with the Petitioner, and, if so, what is the ground of such refusal. In ordinary cases such interrogation and every other interrogation prescribed by this Act shall be made by the Judge, but when the respondent is exempt by law from personal appearance in Court, or when the Judge shall, in his discretion, excuse the respondent from such appearance, the interrogations shall

be made by Commissioners acting under such Commission as hereinafter mentioned.

Interrogations by Judge may be public or private.

14. Every interrogation mentioned in this Act and made by the Judge may, at the discretion of the Judge, take place in open Court or in his private room. If any such interrogation take place in open Court, the Judge may, so long as it shall continue, exclude from the Court all such persons as he shall think fit to exclude.

Adjournment for a month if female respondent refuses to cohabit on account of Petitioner's conversion.

15. If the respondent be a female, and in answer to the interrogatories of the Judge or Commissioners, as the case may be, shall refuse to cohabit with the Petitioner, and allege, as the sole ground for such refusal, that the Petitioner has changed this religion, the Judge shall make an order adjourning the case for one month, and directing that in the interim the parties shall, at such place and time as he shall deem convenient, have a private interview of such length as the Judge shall direct with the view of ascertaining whether or not the respondent freely and voluntarily persists in such refusal. Such interview shall be subject to any conditions as to privacy which the Judge shall think fit: Provided that no condition which might interfere with the ascertainment of the respondent's wishes respecting such refusal shall be imposed upon such interview.

Parties in the interim to have a private interview.

Second interrogation of female respondent.

16. At the expiration of such adjournment, the Petitioner shall again appear in Court, and if the respondent, on being interrogated by the Judge or Commissioners, as the case may be, again refuse to cohabit with the Petitioner, and allege, as the sole ground for such refusal, the Petitioner's change of religion, the suit shall be adjourned one year.

Adjournment for a year.

Point to be proved on expiration of adjournment.

17. At the expiration of such adjournment, the Petitioner shall again appear in Court, and shall prove that the said desertion or repudiation had continued up to the time last hereinbefore referred to.

On proof of the requisite points, suit to be adjourned for a month, and parties to have another interview.

18. If the points mentioned in the twelfth and seventeenth Sections of this Act shall be proved to the satisfaction of the Judge, he shall adjourn the suit for one month, and direct that in the interim the parties shall have another interview of such length and subject to such conditions as mentioned in the fifteenth Section of this Act.

At expiration of adjournment, if female respondent refuse to cohabit, decree to pass dissolving marriage.

19. At the expiration of such adjournment, the Petitioner shall again appear in Court; and if the respondent on being interrogated by the Judge or Commissioners, as the case may be, again refuse to cohabit with the Petitioner, and allege the Petitioner's conversion as the sole ground for such refusal, the respondent shall be taken to have finally deserted or repudiated the Petitioner, and the Judge shall, by a decree under his hand and sealed with the seal of his Court, declare that the marriage between the parties is dissolved.

Decree in case of male respondent refusing to cohabit on the sole ground of Petitioner's change of religion.

20. If the respondent be a male, and in answer to the interrogatories of the Judge or Commissioners, as the case may be, shall refuse to cohabit with the Petitioner, and allege as the ground for such refusal that the Petitioner has changed her religion, the Judge shall adjourn the case for a year. At the expiration of such adjournment, the Petitioner shall again appear in Court; and if the respondent on being interrogated by the Judge or Commissioners, as the case may be, again refuse to cohabit with the Petitioner, the Judge shall thereupon pass such a decree as last aforesaid: Provided that if the Petitioner shall so desire (but not otherwise), the proceedings in the suit shall, *mutatis mutandis*, be the same as in the case of a female respondent.

Proviso.

Decree if respondent so refuse in the case of an unconsummated marriage, either party being *impubes* at time of marriage.

21. Notwithstanding anything hereinbefore contained, if it shall appear at any stage of the suit that both or either of the parties had not attained puberty at the date of their marriage, and that such marriage has not been consummated; and if, in answer to the interrogatories made pursuant to the thirteenth Section of this Act, the respondent shall refuse to cohabit with the Petitioner and allege, as the ground for such refusal, that the Petitioner has changed his or her religion, the Judge shall thereupon pass such a decree as last aforesaid.

Liberty to parties to marry again.

22. When any decree dissolving a marriage shall have been passed under the provisions of this Act, it shall be as lawful for the respective parties thereto to marry again as if the prior marriage had been dissolved by death, and the issue of any such remarriage shall be legitimate, any Native law to the contrary notwithstanding. Provided always that no Minister of religion shall be compelled to solemnize the marriage of any person whose former marriage may have been dissolved under this Act, or shall be liable to any suit or penalty for refusing to solemnize the marriage of any such person.

Judge may order Commission to issue for examination of exempted persons.

23. In suits instituted under this Act, the Judge may order a Commission to issue to such persons, whether males or females or both, as he shall think fit, for the examination on interrogatories or otherwise of any persons so exempt as aforesaid. The provisions of the Code of Civil Procedure shall, so far as practicable, apply to Commissions issued under this Section.

Proof of the marriage, and the desertion or repudiation of Petitioner in consequence of conversion.

24. At any stage of a suit instituted under this Act, cohabitation as man and wife shall be sufficient presumptive evidence of the marriage of the parties, and proof of the respondent's refusal or voluntary neglect to cohabit

with the Petitioner, after his or her change of religion, and after knowledge thereof by the respondent, shall be sufficient evidence of the respondent's desertion or repudiation of the Petitioner, and shall also be sufficient evidence that such desertion or repudiation was solely in consequence of the Petitioner's change of religion, unless some other sufficient cause for such desertion or repudiation be proved by the respondent.

Provisions of Civil Procedure Code as to witnesses to apply in suits under this Act.

25. The provisions of the Code of Civil Procedure, as to the summoning and examination of witnesses, shall apply in suits instituted under this Act.

Delegation by Judge of powers vested in him in reference to interviews.

26. In suits instituted under this Act, the Judge may, in his discretion, delegate to two or more persons, who may be males or females or both, all or any of the authority and discretion hereby vested in him in reference to all or any of the interviews hereinbefore mentioned.

Dismissal of suit if either party is under the age required by the Act, or if the parties are cohabiting, or the respondent is willing to cohabit.

27. If at any stage of the suit it be proved that the male party to the suit is or was at the institution thereof under the age of sixteen years, or that the female party to the suit is or was at the same time under the age of thirteen years, or that the Petitioner and the respondent are cohabiting as man and wife, or if the Court is satisfied by the evidence adduced that the respondent is ready and willing so to cohabit with the Petitioner, the Court shall pass a decree dismissing the suit, and stating the ground of such dismissal.

Revival of suit after such dismissal.

28. If at any time after a decree dismissing the suit upon any of the grounds mentioned in the last preceding Section, the respondent again desert or repudiate the Petitioner upon the ground of his or her change of religion, the suit may be revived by summoning the respondent; and upon proof of the former decree and of such renewed repudiation or desertion, the suit shall recommence at the stage at which it had arrived immediately before the passing of such decree; and, after the proofs, interrogations, interviews and adjournments which may then be requisite under the provisions hereinbefore contained, the Judge shall pass a decree of the nature mentioned in the nineteenth Section of this Act.

Petitioner's cruelty or adultery to bar the suit.

29. If at any stage of the suit it be proved that the respondent has deserted or repudiated the Petitioner solely or partly in consequence of the Petitioner's cruelty or adultery, the Court shall pass a decree dismissing the suit and stating the ground of such dismissal. A suit dismissed under this Section shall not be revived.

Male Petitioner's cohabitation with one of several wives to bar the suit.

30. If the Petitioner, being a male, has at the time of the institution of the suit two or more wives, he shall make them all respondents; and if at any stage of the suit it be proved that he is cohabiting with one of such wives as man and wife, or that any one of such wives is ready and willing so to cohabit with him, the Court shall pass a decree dismissing the suit and stating the ground of such dismissal. The provisions as to revival contained in the twenty-eighth Section of this Act shall apply, *mutatis mutandis*, to a suit dismissed under this Section.

Dissolution of marriage not to affect status or rights of children.

31. A dissolution of marriage under the provisions of this Act, shall not operate to deprive the respondent's children (if any) by the Petitioner of their status as legitimate children, or of any right or interest which they would have had, according to the Native law applicable to them by way of maintenance, inheritance or otherwise, in case the marriage had not been so dissolved as aforesaid.

Power to Court to award alimony.

32. If a suit be commenced under the provisions of this Act, and it appear to the Court that the wife has not sufficient separate property to enable her to maintain herself suitably to her station in life, and to prosecute or defend the suit, the Court may, pending the suit, order the husband to furnish the wife with sufficient funds to enable her to prosecute or defend the suit, and also for her maintenance pending the suit. If the suit be brought by a husband against a wife, the Court may by the decree order the husband to make such allowance to his wife for her maintenance during the remainder of her life as the Court shall think just, and having regard to the condition and station in life of the parties. Any allowance so ordered shall cease from the time of any subsequent marriage of the wife.

No appeal against orders and decrees under this Act.

33. No appeal shall lie against any order or decree made or passed by any Court under the provisions of this Act.

Saving of Roman Catholic marriages.

34. Nothing contained in this Act or in Acts Nos. XXV of 1864 and V of 1865 shall be taken to render invalid any marriage of a Native convert to Roman Catholicism if celebrated in accordance with the rules, rites, ceremonies and customs of the Roman Catholic Church; and no Clergyman of such Church shall be liable to any suit or penalty under the provisions of either of the two Acts last hereinbefore mentioned, for solemnizing any such marriage.

Extent of Act.

35. This Act shall extend to all the territories that are or shall become vested in Her Majesty or Her successors by the statute 21 and 22 Vic., cap. 106, entitled "An Act for the better government of India," except the Settlement of Prince of Wales' Island, Singapore and Malacca. But it may be extended, with the consent of the Governor-General of India in Council, by order of the Governor of such Settlement to all or any part of the territory subject to his Government; and he may, with such consent as aforesaid, determine the Court in which suits against residents in such territory shall be commenced under the provisions of the Act. In case of such extension, if the Indian

Penal Code shall not then apply to the said Settlement, the respondent's personal appearance pursuant to this Act may be enforced by such procedure as the said Governor, with such consent as aforesaid, shall provide in that behalf.

THE FIRST SCHEDULE.

Form of Petition.

Stamp Rs. two

To the Judge of the Civil Court of

The day of 18 .

The petition of A. B. of

Sheweth :—

1. That your Petitioner was born on or about the day of 18 .

2. That your Petitioner was on the day of in the year 18 lawfully married to C. D. at

3. That the said C. D. is now of the age of years or thereabouts.

4. That after his said marriage, your Petitioner lived and cohabited with his said wife at aforesaid until the day of 18 ; and that there are now living children, and no more, of such marriage, aged respectively and years.

5. That previous to the day of 18 your Petitioner changed his religion for Christianity, and that on such day he was baptised and became a member of the Church of

6. That on the day of 18 [*at least six months prior to the date of the petition*], the said C. D. deserted your Petitioner, and has not since resumed cohabitation with him.

7. That such desertion was solely in consequence of your Petitioner's said change of religion.

8. That there is no collusion nor connivance between your Petitioner and the said C. D.

Your Petitioner therefore prays that your Honour will order the said C. D. to live and cohabit with your Petitioner, or declare that your Petitioner's marriage is dissolved.

A. B.

Form of Verification.

I, A. B., the Petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

THE SECOND SCHEDULE.

Form of Citation in ordinary Cases.

To C. D. of

Whereas A. B. of claiming to have been lawfully married to you the said C. D. has filed his [*or* her] petition against you in the Civil Court of alleging that you the said C. D. have deserted him [*or* her] for six months solely in consequence of his [*or* her] having changed his [*or* her] religion for Christianity, and praying that unless you consent to live and cohabit with him [*or* her] it may be declared that his [*or* her] marriage is dissolved: Now this is to command you that, at the expiration of days [*at least one month*] from the date of the service of this on you, you do appear in the said Court then and there to make answer to the said petition, a copy whereof, sealed with the seal of the said Court is herewith served upon you.

And take notice that in default of your so appearing, you will be liable to punishment under Section 174 of the Indian Penal Code.

Dated the day of 18 .

(Signed) E. F.

Judge of the Civil Court of

Indorsement to be made after service.

This citation was duly served by G. H. on the within named C. D. of at on the day of 18

(Signed) G. H.

THE THIRD SCHEDULE.

Form of Citation in case of Respondent exempt from appearance in Court.

To C. D. of

Whereas A. B of claiming to have been lawfully married to you, the said C. D. has filed his [*or* her] petition against you in the Civil Court of alleging that you the said C. D. have deserted him [*or* her] for six months solely in consequence of his [*or* her] having changed his [*or* her] religion for Christianity, and praying that, unless you consent to cohabit with him [*or* her], it may be declared that his [*or* her] marriage is dissolved. Now this is to command you that, at the expiration of days [at least one month] from the service of this on you, you do hold yourself in readiness to answer and do answer such interrogatories as may be put to you by Commissioners duly authorized in that behalf under a Commission issued by this Court, in reference to the said petition, a copy whereof, sealed with the seal of the said Court, is herewith served upon you.

And take notice that in default of your so holding yourself in readiness and answering such interrogatories, you will be liable to punishment under Section 174 of the Indian Penal Code.

Dated the day of 18 .

(Signed) E. F.

Judge of the Civil Court of

Indorsement to be made after service.

This citation was duly served by G. H. on the within named C. D. of at on the day of 186

(Signed) G. H.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

Addendum and Corrigendum.

In the "Bill for the Incorporation, Regulation, and Winding up of Trading Companies and other Associations", published in the *Gazettes* of 30th December 1865, 6th and 13th January 1866.

Section 3, after definition of "Insurance Company" *insert*

"Court" means the principal Civil Court of original jurisdiction in a District, and includes the High Court in the exercise of its ordinary original civil jurisdiction.

"Court."

Section 59, first sentence, *omit the words* "in Council."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

HOME DEPARTMENT.

No. 469.

Fort William, the 13th January 1866.

NOTIFICATIONS.

The furlough allotted to Mr. H. A. Harrison by the Notification No. 4092 of the 1st of November, is, at his own request, cancelled.

No. 471.

Captain T. C. Hamilton, Superintendent of Police, British Burmah, has obtained privilege leave from 27th October to 15th November 1865.

No. 473.

Assistant Surgeon J. McNeale Donnelly, Civil Surgeon of Mergui, has obtained twelve days' extension of the privilege leave granted in Notification No. 4394, dated the 23rd of November. Dr. Donnelly rejoined his appointment on the 12th December 1865.

No. 557.

The 16th January 1866.

Captain B. W. Ryall, District Superintendent, Oudh Police, has obtained sixteen days' preparatory leave to proceed to Calcutta for the purpose of appearing before a Medical Board.

No. 649.

The 18th January 1866.

The Reverend W. G. Cowie, Junior Chaplain on the Bengal Establishment, has reported his departure from India per "St. Lawrence," which vessel was left by the Pilot at sea on the 8th instant.

No. 650.

The Reverend John Dawson, Assistant Chaplain of the Church of Scotland, on the Bengal Establishment, has reported his return to India by the Steam Ship "Mooltan," which reached the Sandheads on the evening of the 13th instant.

No. 651.

Surgeon Major C. Hathaway is permitted to resign the office of Private Secretary to the Governor General from the 23rd instant, and his services are, at his own request, placed at the disposal of the Military Department from the abovementioned date.

No. 652.

The Governor General in Council is pleased to attach Mr. W. E. Purser, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oudh, and to place his services at the disposal of the Foreign Department.

No. 655.

The Governor General in Council is pleased to make the following appointments in the Central Provinces:—

Assistant Surgeon L. D. Spencer, to the Civil Medical charge of the Nimar District.

Apothecary J. E. Harrison, to the Civil Medical charge of the Baitool District.

Apothecary J. C. Ellis, to the Civil Medical charge of the Sumbulpore District.

No. 664.

The 19th January 1866.

Lieutenant A. D. Butter, Assistant Surveyor, 1st Division Oudh Revenue Survey, is granted fifteen days' privilege leave of absence from the 25th December 1865.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

GENERAL.

No. 77.

Fort William, the 17th January 1866.

His Excellency the Governor General in Council is pleased to alter the designation of the Political Assistant for Western Malwa to that of "Political Agent."

No. 79.

Captain G. A. A. Warner, Deputy Commissioner of Nimar, in the Central Provinces, has obtained privilege leave of absence for twenty days, from the 4th December 1865.

No. 81.

Major H. Nelson Davies, Secretary to the Chief Commissioner of British Burmah, has obtained twenty days' leave of absence to proceed to Calcutta, preparatory to applying for leave to Europe on medical certificate.

No. 83.

Mr. A. K. Collis, Extra Assistant Commissioner in the Central Provinces, has been granted privi-

lege leave of absence from the 13th September to the 10th November 1865.

No. 85.

Lieutenant H. Szczepanski, Assistant Commissioner, Hyderabad Assigned Districts, has obtained privilege leave of absence for one month from the 1st instant, or from the date on which he may avail himself of it.

No. 87.

The 18th January 1866.

Captain C. P. Hildebrand, Deputy Commissioner, 4th Grade, in British Burmah, is appointed to officiate as Secretary to the Chief Commissioner, during the absence on leave of Major H. Nelson Davies.

No. 89.

Lieutenant R. Bullock, Assistant Commissioner, 3rd Class, Hyderabad Assigned Districts, is promoted to be Assistant Commissioner, 2nd Class, vice Lieutenant Grant.

No. 94.

The 19th January 1866.

The under-mentioned Officers, Probationary Assistants to the Commissioner in Mysore, are permanently appointed to the Mysore Commission :—

Captain A. W. C. Lindsay.
Lieutenant E. S. Ludlow.
" C. S. Blair.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

The following Order is published for information :—

No. 198.

FROM

E. H. LUSHINGTON, ESQ.,
Secy. to the Govt. of India,
Financial Dept.,

To

THE ACCOUNTANT GENERAL, BENGAL.

Fort William, the 18th January 1866.

SIR,

In reply to your letter No. 333 E of the 28th ultimo, I am directed to state that the Governor General in Council is pleased to permit Uncovenanted Servants to take accumulated privilege leave in instalments, under the Rules according to which such leave is taken in instalments by Covenanted Civil Servants.

I have the honor to be, &c.,

(Sd.) E. H. LUSHINGTON,
Secy. to the Govt. of India.

No. 233.

The 19th January 1866.

NOTIFICATIONS.

The Public are hereby informed that, pending further orders, the Mint Certificates for Silver tendered to the Mint Masters at Calcutta, Madras, and Bombay for coinage, will, as hitherto, be made payable on demand at the Banks of those places.

No. 234.

In accordance with the provision of Section 1, Act I of 1866, the Governor General in Council is pleased to direct that the holders of certificates acknowledging the receipt of bullion or foreign coin tendered to any Office or Agency duly authorized to receive the same under Act XIX of 1861 (to provide for a Government Paper Currency), shall, until further orders, be entitled to receive on demand Promissory Notes on presentation of such certificates in exchange for the said bullion or foreign coin, at the rate and subject to the deduction described in Section 9 of the aforesaid Act.

No. 300.

In continuation of Notification No. 3588, dated the 20th ultimo, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India, at the close of the month of November last, contrasted with that of the previous years, is published for general information :—

	30th November 1863.	30th November 1864.	30th November 1865.
	Rs.	Rs.	Rs.
Govt. of India ...	3,24,08,602	1,50,29,790	2,20,43,358
Bengal	1,96,82,073	1,54,17,024	1,18,13,533
British Burmah			26,90,056
N. W. Provinces	2,76,35,760	2,17,90,508	1,98,60,105
Oudh ...			52,08,081
Punjab	92,98,438	1,12,89,957	98,58,755
Bombay	1,41,10,900	1,57,86,865	1,39,76,399
Central Provinces...	38,57,104	44,45,655	42,74,232
Deccan	18,24,012	14,23,443	20,68,760
Madras	2,62,64,966	1,77,02,015	1,34,49,966
Total ...	13,50,81,855	10,28,85,257	10,52,43,245

No. 307.

Mr. C. E. Chapman has been permitted by the Right Hon'ble the Secretary of State for India to return to duty on the 20th November 1865, via Marseilles, without prejudice to his appointment.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 15th January 1866.

No. 47 of 1866.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Captain (Brevet Major) Danvers Henry Osborn, of the late 51th Regiment Native Infantry, District Superintendent of Police, 2nd Grade, Burdwan.	8th Jan. 1866.

No. 48 of 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Surgeon Major George Saunders, of the Medical Department, to officiate as Secretary to the Principal Inspector General of the Medical Department, during the absence on sick leave to Europe of Surgeon Major H. M. Macpherson, Fel. u. c., or until further orders.

No. 49 of 1866.—The services of Surgeon John Charles Collins, of the Medical Department, are placed temporarily at the disposal of the Government of Bengal.

The 16th January 1866.

No. 50 of 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Colonel George Sim, of the Royal Engineers, Consulting Engineer and Under Secretary to the Government of the Punjab, Public Works Department, Railway Branch.	For 20 months, under the new Regulations.
Major John James Hume, of the Bengal Staff Corps, Executive Engineer, 1st Grade, Department of Public Works, North-Western Provinces.	For 20 months.
Lieutenant Henry William Garnault, of the Royal Engineers, Executive Engineer, 2nd Grade, Department of Public Works, Officiating Assistant to the Chief Engineer, and Assistant Secretary to the Government of Bengal, Public Works Department.	For 20 months, under the new Regulations.

No. 51 of 1866.—His Excellency the Governor General in Council is pleased to make the following appointment in the Department of the Quarter Master General:—

Captain E. T. Sadler, of the Bengal Staff Corps, Officiating Deputy Assistant Quarter Master General, is permanently appointed to that situation, vice Captain D. W. Martin, who vacates the appointment, having exceeded the prescribed period of sick leave to Europe.

The 17th January 1866.

No. 52 of 1866.—With reference to Government General Order No. 251 of the 14th July 1849, prescribing the rates of Table Money of Officers on board river steamers, it is hereby notified that Commandants, Seconds in Command, and Medical Officers of above five years' service in medical charge, will be classed as "Field and Staff Officers;" other Officers drawing Staff salary, as "Captains, Adjutants, and Quarter Masters;" and Subalterns and Assistant Surgeons not drawing Staff salary, as "Subalterns."

No. 53 of 1866.—Captain (Brevet Major) William Metcalf, of the late 35th Native Light Infantry, is allowed an extension of leave from the 31st ultimo to the 4th instant, the date on which he returned to Bengal from sick leave to Australia.

No. 54 of 1866.—The under-mentioned Officers and Warrant Officers have reported their departure on the dates specified opposite to their respective names:—

Conductor C. Grossmith, of the Ordnance Commissariat Department, on furlough for two years, Government General Order No. 677 of the 10th July 1865.	"Jeddo," 30th Sept. 1865, from Bombay.
Captain (Brevet Major) C. Andrews, of the late 72nd Native Infantry, on furlough for two years, Government General Order No. 1177 of the 21st December 1865.	"St Lawrence," 8th Jany. 1866.
Apothecary John Richmond, of the Subordinate Medical Department, attached to the 21st Hussars, on leave for fourteen months, Government General Order No. 870 of 19th September 1865.	"Calcutta," 9th Jany. 1866.
Sub-Conductor Michael Carew, of the Army Commissariat Department, on leave for twenty months, Government General Order No. 1193 of 28th December 1865.	
Assistant Surgeon G. N. Cheke, of the Medical Department, Residency Surgeon at Nepaul, on furlough for two years, Government General Order No. 1148 of the 12th December 1865.	"Golconda," 10th Jany. 1866.
Captain B. W. Ryall, of the Bengal Staff Corps, District Superintendent of Police, Lucknow, on leave for twenty months, Government General Order No. 1 of the 2nd January 1866.	
Lieutenant Colonel W. Fullerton, of the Bengal Staff Corps, Deputy Judge Advocate General, Sirhind Division, on leave for twenty months, Government General Order No. 20 of the 5th January 1866.	

Major H. D. Maunsell, of the late 62nd Native Infantry, on furlough, Government General Order No. 24 of the 6th January 1866.	"Golconda," 10th Jan. 1866.
Assistant Surgeon J. Jones, M. D., of the Medical Department, Civil Assistant Surgeon, Cawnpore, on leave for twenty months, Government General Order No. 25 of the 6th January 1866.	

The departure for Europe on sick leave of Captain McNair, Royal Artillery, notified in Government General Order No. 1005 of the 3rd November 1865, is to be held to have effect from the 20th September 1865 instead of from the 20th October 1865.

No. 55 *of* 1866.—The under-mentioned Officers having completed twenty years' service, six years of which were on permanent Staff employ, to be Majors from the dates specified opposite to their respective names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps.

Captain B. W. Ryall ...	14th January 1866.
" E. Dandridge ...	

No. 56 *of* 1866.—The under-mentioned Officer having completed twelve years' service, four years of which were on permanent Staff employ, to be Captain from the date specified opposite to his name, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps.

Lieutenant A. Copland ... 14th January 1866.

No. 57 *of* 1866.—With reference to Government General Order No. 231 of the 6th March 1865, it is hereby notified that the Commissioners of Chelsea Hospital have increased the pension of Gunner T. Bonchill, late of the Royal Horse Artillery, from 8*d.* to 1*s.* 3*d.* per diem, from the date on which his pension commenced.

No. 58 *of* 1866.—The under-mentioned out-pensioner of the Royal Hospital at Chelsea having been permitted to reside and draw his stipend in India, payment of pension is to be made and charged accordingly:—

	Rate of pension per diem.
Gunner Thomas Crabtree, late of the 24th Brigade Royal Artillery	1*s.* (one shilling), from the date on which he ceases to receive Regimental pay or allowance.

No. 59 *of* 1866.—Magazine Sergeants James Loughlin and Robert Foreman having passed the prescribed examination, are appointed to officiate as Sub-Conductors in the Ordnance Department to fill existing vacancies.

No. 60 *of* 1866.—His Excellency the Governor General in Council is pleased to appoint Lieutenant Colonel F. D. Atkinson, of the Bengal Staff Corps, to be a Member of the Commission convened under Government General Order No. 1084 of the 22nd November 1865, vice Lieutenant Colonel H. K. Burne.

No. 61 *of* 1866.—The following Extracts from the *London Gazettes* of the 21st November and 1st December 1865 are published for general information:—

WAR OFFICE, PALL MALL,
21*st November* 1865.

23*rd Foot.*—Lieutenant Annesley Cary, to be Captain, without purchase, vice William Munnings Lees, transferred to the Bengal Staff Corps, dated 21st November 1865.

Lieutenant Archibald Young Leslie, from the Bengal General List, to be Lieutenant, vice Cary, dated 21st November 1865.

108*th Foot.*—Lieutenant Albert FitzWilliam Taylor, from the Bengal General List, to be Lieutenant, vice Adolphus Vallings, transferred to Bengal Staff Corps, dated 21st November 1865.

Brevet.

The under-mentioned alteration of rank and promotions to take place in Her Majesty's Indian Military Forces, consequent on the deaths of—

Major General Sir Stuart Corbett, K. C. B., Bengal Infantry, on the 1st August 1865; and Major General James Scott, Bombay Infantry, on the 11th October 1865.

Major General W. E. Baker, to take rank from 2nd August 1865.

Colonel John Liptrap, Bengal Infantry, to be Major General, dated 22nd August 1865.

Colonel Herbert Marshall, Madras Infantry, to be Major General, dated 12th October 1865.

The under-mentioned Officers, who have retired upon full pay, to have a step of honorary rank as follows:—

Major Charles William Nightingale, Bengal Staff Corps, to be Lieutenant Colonel, dated 21st November 1865.

Major John Henry Balmain, Bengal Cavalry, to be Lieutenant Colonel, dated 21st November 1865.

WAR OFFICE, PALL MALL,
1*st December* 1865.

Unattached.

Lieutenant John Bennett, Bombay Establishment, to be Captain, dated 1st December 1865.

Ensign George Nolan, Bengal Establishment, to be Lieutenant, dated 1st December 1865.

INDIA OFFICE,
28*th November* 1865.

Her Majesty has been pleased to approve of the following promotions and alterations of rank amongst the Officers of the Staff Corps, and of Her Majesty's Indian Military Forces:—

BREVET.

BENGAL ARMY.

To be Lieutenant Colonel.

Major Thomas Whittaker Seager, late 27th Native Infantry, dated 28th July 1865.

To be Majors.

Captain Charles Armstrong, late 10th Native Infantry, dated 22nd July 1865.

Captain Jonathan Keer, late 60th Native Infantry, dated 26th August 1865.

To be Captain.

Lieutenant William George Cubitt, V. C., Staff Corps, dated 26th July 1865.

BENGAL STAFF CORPS.

To be Lieutenant Colonels.

Major Robert Nixon Tronson, dated 24th July 1865.

Major Reginald Ouseley, dated 29th July 1865.

To be Major.

Captain William James Pratt Barlow, dated 22nd July 1865.

BENGAL ARMY.

Cavalry.

Major Charles Dumbleton, from late 4th Cavalry, to be Lieutenant Colonel, vice Craigie, 19th Hussars, removed from list of Lieutenant Colonels, dated 4th August 1865.

Late 1st Cavalry.

Captain George Archibald Galloway to be Major; Lieutenant Jardine Scott Robinson to be Captain, vice Hamilton (Staff Corps), removed from list of Lieutenant Colonels, dated 4th August 1865.

Late 2nd Cavalry.

Lieutenant John Shakespear Irvine, to be Captain, in succession to Thomson, deceased, dated 4th August 1865.

Late 4th Cavalry.

Captain (Brevet Major) Osborn Wilkinson, to be Major; Lieutenant Donald Christian Strachan Lindsay Carnegie, to be Captain, in succession to Craigie, 19th Hussars, removed from list of Lieutenant Colonels, dated 4th August 1865.

Late 6th European Regiment.

Lieutenant William Edward Delves Broughton to be Captain, vice Hamilton, deceased, dated 6th July 1865

Late 15th Native Infantry.

Lieutenant John George Campbell to be Captain, vice Philpotts, deceased, dated 2nd June 1865.

Late 25th Native Infantry.

Lieutenant Henry Doyle Metcalfe, to be Captain, vice Ireland, deceased, dated 7th July 1865.

Medical Establishment.

Surgeon James Tyrell Carter Ross, to be Surgeon Major, dated 26th July 1865.

No. 62 *of* 1866.—Major Robert Michael Smith Annesley, of the Bengal Staff Corps, is permitted to retire from the service on the pension of his rank from the 14th April 1866, to which date, from the 5th April 1866, that Officer is allowed leave of absence to visit Bombay.

The 18th January 1866.

No. 63 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments:—

Pay Department.

Lieutenant Colonel O. Hamilton, of the Bengal Staff Corps, Pension Pay Master, Meerut, to be a Pay Master, vice Major A. Elderton, removed.

Captain H. D. Battye, of the Bengal Staff Corps, Officiating Pay Master, Meerut, to be Pay Master and Superintendent of Native Pensioners, Meerut Circle.

No. 64 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments:—

PUNJAB FRONTIER FORCE.

3rd Cavalry.

Assistant Surgeon A. V. Best, M. D., to the medical charge, vice Assistant Surgeon R. Rouse, who has obtained furlough to Europe on private affairs for two years.

4th Cavalry.

Assistant Surgeon A. M. Verchere, attached to the 4th Infantry, to the medical charge, vice Assistant Surgeon J. Fairweather, M. D., who has obtained furlough to Europe on private affairs for two years.

1st Infantry.

Assistant Surgeon J. Kelly, M. D., to the medical charge, vice Surgeon Tuson, appointed to another situation.

4th Infantry.

Assistant Surgeon J. R. McIver, M. D., to the medical charge, vice Assistant Surgeon Verchere, appointed to the 4th Cavalry.

No. 65 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Captain (Brevet Major) George Edward Watson, of the Royal Engineers, Executive Engineer, 2nd Grade, Gwalior Division, Department of Public Works.	For 20 months, under the new Regulations.
Lieutenant Arthur Oldham, of the General List, Infantry.	
Major Horatio Nelson Davies, of the Bengal Staff Corps, Secretary to the Chief Commissioner, British Burmah.	
Captain (Brevet Major) Robert Hope Moncrieff Aitken, V. C., of the Bengal Staff Corps, Inspector General of Police, Oude.	
Captain (Brevet Major) Danvers Henry Osborn, of the Bengal Staff Corps, District Superintendent of Police, 2nd Grade, Burdwan.	For 20 months.
Lieutenant Francis Henry Conolly, of the Bengal Staff Corps, District Superintendent of Police, 3rd Grade, Nuddea.	

The 19th January 1866.

No. 66 *of* 1866.—With the approval of Her Majesty's Government, His Excellency the Governor General in Council is pleased to make the following appointment:—

Colonel H. E. Longden, C. B. (Unattached), to be Adjutant General in India, with effect from the 17th instant.

No. 67 *of* 1866.—The under-mentioned Officer has reported his return from England:—

	Date of arrival at Fort William.
Lieutenant W. F. Bartleman, late 39th Regiment Native Infantry, Adjutant, 43rd (Assam) Regiment Light Infantry.	10th Jan. 1866.

No. 68 *of* 1866.—The following orders issued by the Resident at Hyderabad are confirmed:—

No. 188, *dated the* 18*th December* 1865.—Confirming Jaulnah Station Order directing Assistant Surgeon C. T. Eves, 6th Infantry Hyderabad Contingent, to assume the medical charge of the Squadron of the 4th Cavalry Hyderabad Contingent and Details at Jaulnah, from Sub-Assistant Surgeon H. W. Smith.

No. 193, *dated the* 20*th December* 1865.—Confirming Regimental Order dated 4th December 1865, issued to the 2nd Cavalry Hyderabad Contingent, appointing Captain H. Watson, Second in Command, to officiate as Commandant, and Lieutenant G. B. Farrington, Officiating Adjutant, to officiate as Second in Command in addition to his own duties, from that date, consequent on the departure to Bombay, on preparatory leave, of Major H. Clerk.

No 69 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Colonel J. W. Fitzmayer, C. B., of the Royal Artillery, to the Brigade Staff of the Army, with the rank of Brigadier General, in succession to Major General D. Rainier, whose appointment to the Divisional Staff was announced in Government General Order No. 21 of the 5th instant.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 13.

Fort William, the 16*th January* 1866.

NOTIFICATION.

The portion of Notification No. 373, dated 20th October 1865, promoting Captain J. M. Williams to the 1st Grade of Executive Engineers, is cancelled.

C. H. DICKENS, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

Notice is hereby given that the Bank of Bengal and General Treasury will be closed on Monday, the 22nd January, on account of the Hindoo festival Sreepunchomy, in conformity with Government Notification No. 64 of 16th April 1862.

By order of the Directors,
GEO. DICKSON,
Secretary and Treasurer.

BANK OF BENGAL,
CALCUTTA,
The 16*th January* 1866.

NOTICE.

Government Promissory Notes *carrying back interest,* will not be received for renewal, consolidation, sub-division, nor for any change in Enfacement making the interest payable at a particular Treasury.

All interest, including that for the half-year last due, must be drawn at the place at which it is payable, before the Note is tendered at this Office.

GEO. DICKSON,
Secretary and Treasurer.

BANK OF BENGAL,
P. D. OFFICE,
The 3*rd January* 1866.

NOTICE.

Pursuant to a Decree of the High Court of Chancery made in a cause "Joseph Burnett Finch against Matilda Finch and others," the Creditors of Justin Finch, late of Shahpore Oondee, in the District of Tirhoot, in the East Indies, Indigo Planter, deceased, (who died on or about the 7th day of March 1861,) are, on or before the 1st day of March 1866, to send by post, pre-paid, to W. D. H. Oehme, of No. 221, Gresham House, Old Broad Street, in the City of London, the Solicitor of Matilda Finch, the Executrix of the deceased, their Christian and surnames, addresses, and descriptions, the full particulars of their claims, a statement of their accounts, and the nature of the securities (if any) held by them, or in default thereof, they will be peremptorily excluded from the benefit of the said Decree. Every Creditor holding any security is to produce the same before the Vice-Chancellor, Sir William Page Wood, at his Chambers, situate at No. 11, New Square, Lincoln's Inn, in the County of Middlesex, on the 15th day of April 1866, at 2 o'clock at noon, being the time appointed for adjudicating on the claims. Dated this 7th day of December 1865.

W. D. H. OEHME, *Plaintiff's Solicitor.* EDWD. WEATHERALL, *Chief Clerk.*

221, Gresham House,
Old Broad Street, London.

NOTICE.

Pursuant to a Decree of the High Court of Chancery made in a cause "Joseph Burnett Finch against Antoine Fortune Goutiere and others," the Creditors of Frederick Finch, late of No. 67, Rue de la Tresorerie, Bordeaux, in the Empire of France, and of Shahpore Oondee, in the District of Tirhoot, in the East Indies, Indigo Planter, and of No. 3, Carlton Hill, East, in the County of Middlesex, in England, deceased, (who died on or about the 23rd day of September 1863,) are, on or before the 1st day of March 1866, to send by post, prepaid, to W. D. H. Oehme, of No. 221, Gresham House, Old Broad Street, in the City of London, the Solicitor of Matilda Finch, one of the Executors of the deceased, their Christian and surnames, addresses, and descriptions, the full particulars of their claims, a statement of their accounts, and the nature of the securities (if any) held by them, or in default thereof, they will be peremptorily excluded from the benefit of the said Decree. Every Creditor holding any security is to produce the same before the Vice-Chancellor, Sir William Page Wood, at his Chambers, situate at No. 11, New Square, Lincoln's Inn, in the County of Middlesex, on the 15th day of April 1866, at 12 o'clock at noon, being the time appointed for adjudicating on the claims. Dated this 7th day of December 1865.

W. D. H. OEHME, *Plaintiff's Solicitor.* EDWD. WEATHERALL, *Chief Clerk.*

221, Gresham House,
Old Broad Street, London.

NOTICE.

LOST OR STOLEN.

The under-mentioned Government five per cent Promissory Notes of 1856-57 :—

Parties are hereby cautioned from purchasing or negotiating either a five per cent. Government Promissory Note No. 12121 of 43832 for Rs. (5,000), Five thousand Rs, or a ditto ditto No. 12125 of 43832 for Rs. (5,000), Five thousand Rs.

ROY PURSOTUM DOSS.

پرسوتم داس

BENARES,
The 1st January 1866.

NOTICE.

Lost portions of a 4 per cent. Government Promissory Note No. 10305 of 26719 of 1854-55. for Co.'s Rs. 600, torn into pieces by an infant, child while it was laid in the sunshine.

GOLAP MONEY DOSSEE.

NOTICE.

Lost in Transit the Halves of the under-mentioned Currency Notes, viz :—

Left Half No. $\frac{A}{7}$52597 } Dated Calcutta, 8th July
Ditto ditto 54799 } 1861, each for Rs. 10.
Ditto ditto $\frac{A}{17}$45522, dated Calcutta, 7th May 1862 (Nagpore Circle), for Rs. 10.

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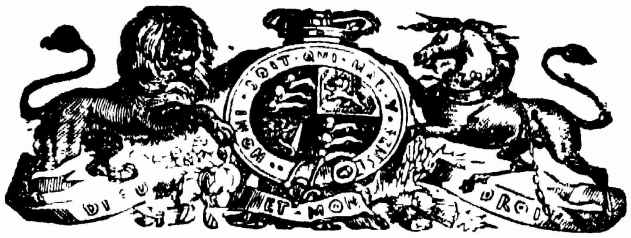
No. 3.



SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JANUARY 20, 1866.

OFFICIAL PAPERS.

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Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 12th January 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble J. N. Bullen.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

RURAL POLICE ACT AMENDMENT BILL.

The Hon'ble MR. MUIR moved that the Report of the Select Committee on the Bill to amend Act No. II of 1865 (to provide for the maintenance of the Rural Police in the Territories under the government of the Lieutenant-Governor of the North-Western Provinces and elsewhere) be taken into consideration. He said that he had had the honour to present the Report of the Select Committee last Friday, and he then explained the slight alteration which had been made by the Committee in the Bill, in order to provide for the careful exercise of the authority conferred by the Bill. As the Report had now been in the hands of Members for a week, he begged to move that it be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. MUIR also moved that the Bill as amended be passed.

The Motion was put and agreed to.

INDIAN RAILWAYS' ACT AMENDMENT BILL.

The Hon'ble MR. TAYLOR introduced the Bill to amend Act No. XVIII of 1854 (relating to Railways in India), and moved that it be referred to a Select Committee with instructions to report in six weeks. He said that a few weeks ago, when he had asked for leave to introduce a Bill to amend the law relating to Railways in India, he explained in general terms the object of the measure. The Bill now introduced accordingly repealed and re-enacted, with the necessary alterations and additions, the previous legislation on the subject as contained in Act No. XVIII of 1854 and the amending Act No. LII of 1860. The only two alterations of any importance were those which provided for a more extended application of Railway law. Thus, Act XVIII of 1854 applied only to Railways working under the control of Government; whereas the present Bill included all Indian Railways and Tramways, whether under the control of Government or not, whether guaranteed or not, and whether opened or not for public traffic. Then, again, the Act applied only to the Territories in the possession and under the government of the East India Company; whereas the Bill comprehended not only the Territories vested in Her Majesty under the Act for the better Government of India, but also, so far as regarded British subjects, the dominions of all allied Princes and States in the East Indies.

The additions to the present law were more numerous. It was not necessary that he should refer to them all, as they were noticed at some length in the Statement of Objects and Reasons which would be published with the Bill. He might state in a general way that the most important additions would be found in the Sections which were comprised in No. IV to VII of the Parts into which it had been found convenient to divide the Bill, and which contained regulations for the protection of the Company, those which were binding on the Company and its Officers, and rules for convictions and fines to be levied under the Act.

These Sections provided, among other things, that the Local Government might appoint Inspectors of Railways and imposed penalties for obstructing such Inspectors in the performance of their duties. Notice was to be given to Government before a line could be opened, and the Local Government was empowered to postpone such opening, or to close any part of an opened line, until the public safety was adequately provided for. Companies were required to erect and maintain gates at level crossings, and to fence dangerous quarries and ballast-pits, to receive and forward traffic without unreasonable delay and without partiality, and to report deaths and accidents both to the Police and to Government immediately after their occurrence.

Then as to fines and convictions, the liability of a Railway Company's servant was defined in respect of a fine imposed on the Company in consequence of his neglect; the prosecution of such servants and Officers under the Bill was provided for, and also the apportionment of such fines between them when an offence had been jointly committed.

The Companies were also empowered to make and publish bye-laws for the better regulation of the use of the Railways.

Such were the chief additions incorporated with the old Acts into the present Bill. They were all of a character to promote the real efficiency of Railway control and management, and were such as appeared to be absolutely indispensable for the safety and convenience of the public. They were borrowed for the most part from English Railway Statutes; and it was obvious that, whatever provisions and penalties were found to be necessary in England, to guard the interests of the public and to fix responsibility for offences committed by Railway employés, such provisions and penalties were at least as much required in this country, where the controlling Direction was far removed from the Executive, where the tendency to indifference and neglect was generally much stronger and the check of public opinion was far weaker.

He did not himself believe there was any general desire on the part of the Agencies in India to escape from a healthy Government control—a control which was in no way intended to diminish their authority or their responsibility for the conduct of the Railway, but on the contrary to assist them in maintaining order and discipline among their staff, by providing for the infliction of proper penalties for offences against the law.

He made these remarks, because within the last few days a somewhat strong representation had been received through the Government of Bombay from the Agents of the two leading Railways in that Presidency, protesting against certain amendments of the existing proposed law, as regarded especially the question of fines and prosecutions for offences committed by Railway Officials. He was desirous of correcting the misapprehension under which those gentlemen were evidently labouring when their protest was written, and which might possibly be shared by other Railway Agents. These objections, he might explain, were directed, not against any of the provisions of the present Bill, which had not yet been published, and which consequently was not in the hands of the Bombay Railway Agents when they wrote, but against certain suggestions from the several Local Governments, embodied in a Resolution of the Government of India, which seemed to have been communicated to them, but which was forwarded for consideration in the Legislative Department with a view to the adoption in the Bill of such of the suggestions as might be practicable and expedient. Those gentlemen would perceive, when the Bill was published in the usual course, that the suggested measures to which they specially objected, found for the most part no place in the present Bill.

Now, however necessary and desirable it might be for the public interests to place the Indian Railway Law on a sounder and more practical footing than was the case at present, he could assure the Council and all the Railway Authorities concerned that there was no disposition on the part of the Government to enact or enforce provisions which were of a character calculated to degrade the position of the Officers of the Companies in India, or to impose upon them responsibilities or penalties which were too stringent or oppressive in their nature, and further, there was no intention whatever to press the present Bill through any of its stages. Opportunity would be given for the fullest and freest discussion; the opinions and views of all the Officers at the head of the various Railways would be obtained, and if necessary the London Boards of the different Companies would be consulted before the Bill became law.

The Motion was put and agreed to.

Burmese Recorders' Courts' Act Amendment Bill.

The Hon'ble Mr. Maine introduced the Bill to amend Act No. XXI of 1863 (to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein in British Burmah, and to establish Courts of Small Causes in the said Towns), and moved that it be referred to a Select Committee, with instructions to report in one month. He said that this was a Bill which had been published by their late Colleague (Mr. Harington) with His Excellency's permission, and bore Mr. Harington's name upon the back. The Act which it professed to amend, Act XXI of 1863, provided for the constitution of Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein in British Burmah, and admitted of the appointment of a Recorder for each of those Courts. But in the commencement of these new Courts in British Burmah, His Excellency in Council had thought fit to suspend the establishment of the Recorder's Court at Akyab and to appoint only one Recorder for the two Courts of Rangoon and Moulmein. Now the facts, he believed, had justified His Excellency's caution, because; from information which had recently reached him (Mr. Maine), he was

inclined to think that the united business of the two Courts did not suffice, or at all events did not more than suffice, to fill up the time of a single Recorder. But there were some inconveniences in having but one Recorder for two Courts. He could not be in two places at the same time, and therefore, as Mr. Harington had said in his Statement of Objects and Reasons :—

"Although a Recorder's Court has been established under Act XXI of 1863 at Moulmein as well as at Rangoon, there is only one Recorder for both Courts, and during the time that he is engaged in holding sittings at one of these places, there is no person present in the Court at the other place who has power to make the interlocutory orders which are occasionally required in a suit; and the consequence is that very serious inconvenience often ensues, which in some cases amounts to positive injustice, and causes very serious loss or injury to the parties."

And then Mr. Harington went on to say :—

"The present Bill proposes to supply this defect by empowering the Registrar of each Court, who is always on the spot, to make orders for arrest or attachment of property before judgment, for the protection and management, during litigation, of property in dispute, and for injunctions restraining breaches of contract or wrongful acts."

The Council would understand that the Registrar was a permanent Officer always on the spot, and that he was an Officer of some responsibility, for in the original Act (XXI of 1863) he was empowered to exercise the functions of a Small Cause Court Judge in suits not exceeding in amount or value 200 Rupees; and His Excellency in Council had the power to give him higher powers as a Small Cause Court Judge to a considerably larger amount.

The only Section of the Bill, beyond those which were merely technical and intended to carry out the object in view, was that which provided for an acting Recorder being occasionally appointed in British Burmah. The Act to be amended merely said that, when the Recorder was absent, the Commissioner of the Town should act as Recorder. That was very well so far as occasional brief absence went. But when a permanent Recorder had taken fifteen months' leave, of course it was not to be expected that the Commissioner should assume his functions during his absence to the detriment of his own proper duties. The residents were also entitled to expect that the acting Recorder should have the same qualifications as the permanent Recorder. His Excellency in Council had got over the difficulty in the present case by declaring the Office of the Recorder to be vacant, and by appointing a new Recorder on the understanding that his appointment would be recalled on the return of the former Recorder.

The Motion was put and agreed to.

The following Select Committees were named:—

On the Bill to amend Act No. XVIII of 1854 (relating to Railways in India)—His Honour the Lieutenant-Governor, the Hon'ble Messrs. Maine, Bullen, Cowie, Gordon and the Mover.

On the Bill to amend Act No. XXI of 1863 (to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein in British Burmah, and to establish Courts of Small Causes in the said Towns)—The Hon'ble Messrs. Grey, Taylor, Gordon and the Mover.

The Council adjourned till the 19th January.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

CALCUTTA,
The 12th January 1866.

Government of Fort St. George.

Cinchona Operations in the Neilgherries.

Report on the Number and Condition of Cinchona Plants on the Neilgherries on the 30th November 1865.

Species.	Botanical Names.	Commercial Names.	No. of Plants.	Value per lb. of Dry Bark in the London Market.	Remarks.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark	2,62,927	2 6 to 8 9	The number of plants planted out in the plantations remain the same as in last month, namely, 2,14,871. The increase by propagation is 36,171, being 13,608 under the average of the last six months, making the total number of plants 8,87,854.
2	C. Calisaya ... Var Frutex ... ,, Vera ...	Yellow Bark	3,156	2 10 to 7 0	
3	C. Officinalis Var Condamenia (C. Uritusinga)	Original Loxa Bark	8,189	2 10 to 7 0	
4	Ditto Var Bomplandiana (C. Chahuarguera)	Select Crown Bark	5,79,581	2 10 to 7 0	
5	C. Crespilla ...	Fine Crown Bark	3,849	2 10 to 6 0	
6	C. Lancifolia ...	Pitayo Bark ...	159	1 8 to 2 10	
7	C. Nitida ...	Genuine Grey Bark	2,786	1 8 to 2 9	
8	C. Species without name ...	Fine Grey Bark ...	8,500	1 8 to 2 10	
9	C. Micrantha ...	Grey Bark ..	14,893	1 8 to 2 9	
10	C. Peruviana ...	Finest Grey Bark	3,389	1 8 to 2 10	
11	C. Pahudiana ...	Unknown	425	Unknown.	
		Total number of plants .	8,87,854		

TABLE II.

Memorandum of the growth of eleven Plants of C. Succirubra, planted on the 2nd Denison Plantation at Neddivuttum on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 31st Oct. 1865.	Height in inches on the 30th Nov. 1865.	Growth in inches during Nov. 1865.	By whom planted.
1	23	129	129¾	0¾	His Excellency Sir W. Denison.
2	16½	114	115½	1½	
3	19	114½	116½	2	
4	15	109	110½	1½	
5	27	132	134	2	
6	20	106½	107¼	0¾	
7	20	118	119	1	J. W. Breeks, Esq.
8	18	123	123¾	0¾	Dr. Sanderson.
9	20	127	128	1	J. D. Sim, Esq.
10	20	127¼	129	1¾	Lieutenant McLeod.
11	18	110½	111	0½	P. Grant, Esq.
12	...	76½	78½	2	Plant cut down for bark.

Table II exhibits the growth of eleven plants of C. Succirubra planted out by His Excellency the Governor and other gentlemen at Neddivuttum on the 30th August 1862. The average growth of these plants during the month is 1 $\frac{5}{11}$ inches, or 1 $\frac{1}{11}$ inches under that of last month.

One of the two plants cut down on the 20th of March 1863 for the bark submitted to Mr. Howard for analysis has made strong shoots of 78½ inches in height, giving the growth of 2 inches during the month

TABLE III.

Showing the height of twelve plants of C. Officinalis, planted on the Dodabetta Plantation at Ootacamund on the 30th September 1863.

No. of Plants.	Height in inches when planted on the 30th Sept. 1863.	Height in inches on the 31st Oct. 1865.	Height in inches on the 30th Nov. 1865.	Growth in inches during Nov. 1865.
1	19	100	103½	3½
2	14½	91½	93	1½
3	28	101	103½	2½
4	22	97	101	4
5	21½	99½	103½	4
6	28	113½	117	3½
7	22½	95½	98½	3
8	21½	94½	97	2½
9	21½	105	109½	4½
10	19½	98½	101½	3
11	24	103½	106	2½
12	24	102½	105	2½

The twelve plants of C. Officinalis (a shrubby species) on the Dodabetta plantation gives an average growth of 3 $\frac{1}{12}$ inches, or ½ an inch under the growth of last month.

The seeds of the different species are making satisfactory progress, and a large harvest, especially of C. Succirubra seed, may be expected in February and March.

OOTACAMUND,
16th *December* 1865.

W. G. McIVOR,
Supdt., Govt. Cinchona Plantations.

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Home Department.

LEGISLATIVE.

C

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 12th January 1866, and is hereby promulgated for general information :—

ACT No. II OF 1866.

An Act to amend Act No. II of 1865.

Preamble.

Whereas it is expedient to amend Act No. II of 1865 (*to provide for the maintenance of the Rural Police in the Territories under the Government of the Lieutenant-Governor of the North-Western Provinces and elsewhere*); It is enacted as follows :—

Power to the Collector to assess the proprietor where the latter has not made any or an insufficient assessment under Section 2 of Act No. II of 1865.

1. If any proprietor of an estate, authorized to make an assessment under the second Section of the said Act shall fail altogether to make such assessment, or shall assess under the said Section a sum which the Collector of the District in which such estate is situate shall consider inadequate, it shall be lawful for such Collector to assess upon such estate for the purposes aforesaid, a sum payable yearly by the proprietor, not exceeding nine-tenths of the amount which might have been raised in each year under the said Section. Such assessment shall be exclusive of the Municipal cess or per-centage mentioned in the sixth Section of the said Act.

Local Government empowered to make rules as to extent and exercise of the authority conferred by Section 1.

2. The Local Government may from time to time lay down rules respecting the extent and exercise of the authority conferred by the last preceding Section, and such authority shall be subject to the rules aforesaid.

This Act to be construed with Act No. II of 1865.

3. This Act shall be read and taken as part of the said Act No. II of 1865.

Short title.

4. This Act shall be called "The Rural Police Act Amendment Act, 1866."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 12th January 1866, and was referred to a Select Committee, with instructions to make their report thereon in six weeks :—

INDIAN RAILWAYS BILL.

ARRANGEMENT OF SECTIONS.

PART I.
Preliminary.
1. Construction.
2. Acts repealed.

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Regulations as to Passengers, their Fares and Luggage.
3. Fares to be pre-paid.
Passengers' tickets to be given up on demand.
Penalty.

4. Enforcing payment of fare by passenger not producing ticket.
5. At intermediate Stations, fares and tickets to be conditional.
Proviso.
6. Penalty for fraud.
7. Fine for entering carriage in motion.
Or riding on the steps.
8. Fine for riding on engine, tender or luggage-van.
9. Smoking prohibited.
10. Penalty for intoxication or nuisance, criminal force, assault or interference with passengers' comfort.
11. Penalty for entering room or carriage set apart for women.
12. Non-liability for passengers' luggage unless booked and paid for.

PART III.

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13. Non-liability for loss of gold, silver, &c., unless in the case of special engagement.
14. Public notice or private contract not to limit liability.
15. Remedy for non-payment of the carriage of goods.
16. Written account of goods to be given on demand.
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20. Penalty for trespass.
21. Penalty for driving an animal upon or across Railway.
22. Liability of owner of animal trespassing on Railway.
23. Penalty for injury to carriage, &c.
24. Penalty for opening or not properly shutting accommodation gates.
25. Apprehension of offenders by Company's servants.
26. Power for Railway Companies to enter upon adjoining lands to repair accidents.

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31. Local Government empowered to close dangerous part of opened line.
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33. Company to erect and maintain gates.
34. Fine for not erecting or maintaining gates.
35. Power to compel erection or maintenance of gates.
36. Fine for continued neglect to comply with provisions of Sections 33 and 34.
37. Service of summons under Sections 34, 35 or 36.
38. Railway to be fenced.
Quarries and ballast-pits to be fenced or filled in.
Penalty for not fencing or filling in.
39. Duty of Railway Companies to make arrangements for receiving and forwarding traffic without unreasonable delay and without partiality.
40. Parties complaining that reasonable facilities for forwarding traffic, &c., are withheld may apply to the High Court.
41. Notice of death or accident to be given to Government.
42. Fine for not giving notice.
43. Return of accidents to be delivered to Government.
44. Returns of Traffic and Tolls to be made by Railway Companies.
45. Fine for non-delivery of Return.
46. Penalty for continued neglect to give notice or deliver Returns.
47. Service of summons under Section 42, 45 or 46.

PART VI.

Regulations binding on the Officers and Servants the Company.

48. Penalty for wilful act or omission endangering a passenger.
49. Penalty for wilful act or omission in a Railway Officer.
50. Penalty for drunkenness or breach of duty by Railway Officer.
51. Penalty for an act not wilful.
52. Police Magistrate may, in certain cases, try offences punishable under Sections 50 and 51 with imprisonment.
53. Extent of jurisdiction.
54. Rule of construction of this Act.
55. All Railway servants to be deemed public servants within meaning of Sections 161-165 of Penal Code.
56. Apprehension of offenders.
57. Notice of accidents to be given to Police.
Penalty for default.
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59. Levy of fines under this Act.
60. Power to Government to set-off fines against money payable to Company.
61. Railway Company's servant liable to be summoned where fine imposed on Company in consequence of his negligence or misconduct.

62. Prosecution of Railway servants for offences under this Act.
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63. Apportionment of fine between servants of Company
64. Provision when superior servant also guilty of negligence or misconduct.
65. Levy or set-off of amount of fine payable by servant.
66. Jurisdiction of Magistrate, &c., to fine.
67. Conviction to be quashed on merits only.
Form of Conviction, &c.
68. Magistrate may refer case to his Assistant or Deputy.
69. Local Government may authorize Assistant to exercise without reference powers given to him on reference.
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70. Fines how to be recovered.
71. Jurisdiction in the Madras and Bombay Presidencies.

PART VIII.

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72. Company to regulate the use of the Railway.
73. Power to make regulations by bye-laws.
74. Publication of such bye-laws.
75. Such bye-laws to be binding on all parties.
76. Copy and translation of Act, to be shown at Railway Stations.
77. All Indian Railways to be within the Act.

No. 22 OF 1865.

A Bill to consolidate and amend the Laws relating to Railways in India.

Preamble.

Whereas it is expedient that all Railways used for the public conveyance of passengers or goods in any part of India, should be subject to the same regulations; It is enacted as follows:—

PART I.

Preliminary.

Construction.

1. In this Act, unless there be something repugnant in the subject or context—

"Railway." "Railway" includes all Railways and Tramways in India upon which steam or other mechanical power is used, whether such Railways and Tramways be under the superintendence of the Government or not, and whether opened or not for the public conveyance of passengers or goods:

"British India." "British India" means the Territories which are or shall be vested in Her Majesty or her successors under the Statute 21 & 22 Vic., cap. 106 (*An Act for the better government of India*); and "India" shall mean such Territories and also (so far only as regards British subjects within the dominions hereinafter mentioned) the dominions of Princes and States in the East Indies in alliance with Her Majesty or her successors:

"India."

"Magistrate." "Magistrate" includes a Joint Magistrate and any person lawfully exercising the powers of a Magistrate of the first class or a Justice of the Peace. It shall also, in the Presidency Towns of Calcutta, Madras and Bombay, include a Magistrate of Police:

"Conviction." A conviction under this Act before a Justice of the Peace means a summary conviction:

"Imprisonment." "Imprisonment" means imprisonment of either description as defined in the Indian Penal Code:

"Fine." "Fine" includes a sum of money due upon a forfeited recognizance:

"Consulting Engineer." "Consulting Engineer" includes a Deputy or Assistant Consulting Engineer:

"District Superintendent of Police." "District Superintendent of Police" includes an Assistant Superintendent of Police in charge of a Division of a District:

"Company." "Company" includes the proprietors for the time being of any Railway to which this Act applies and their lessees, representatives and assigns:

"Station-Master." "Station-Master" denotes the Officer for the time being in charge of a Railway station:

Number. Gender. Words in the singular number include the plural; words in the plural include the singular; and words importing the masculine gender include females;

"Local Government." And in every part of British India to which this Act shall extend "Local Government" shall mean the person authorized by law to administer Executive Government in such part, and shall include a Chief Commissioner; and "High Court" shall mean the highest Civil Court of Appeal therein.

"High Court."

Acts repealed.

2. Acts No. XVIII of 1854 and No. LII of 1860 are hereby repealed, except in so far as the former Act repeals any other Act, and except as to acts

done, offences committed, and liabilities incurred before the passing of this Act.

PART II.

Regulations as to Passengers, their Fares and Luggage.

Fares to be pre-paid.

3. No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any Officer or servant of the said Company duly authorized to examine the same, and shall deliver up such ticket, upon demand, to any of the Company's Officers or servants duly authorized to collect tickets. Any person not producing or delivering up his ticket, as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled.

Passengers' tickets to be given upon demand.

Penalty.

Enforcing payment of fare by passenger not producing ticket.

4. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section 3 of this Act, may be enforced in the same manner as any fine imposed by this Act.

At intermediate Stations, fares and tickets to be conditional.

5. At the intermediate Stations, the fares shall be deemed to be accepted, and the tickets furnished only upon condition that there be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall have been furnished, those who shall have obtained tickets for the longest distance shall have the preference; and those who shall have obtained tickets for the same distance shall have the preference according to the order in which they shall have received their tickets. Provided that all Officers and troops of Her Majesty on duty, and all other persons on the business of Her Majesty who by virtue of any contract with the late East India Company or Her Majesty shall be entitled to be conveyed on such Railway in preference to, or in priority over, the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which, they shall have received their tickets.

Proviso.

Penalty for fraud.

6. Any person who shall defraud or attempt to defraud any such Railway Company, by travelling, or attempting to travel, upon such Railway, without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof; or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such carriage; or who shall, in any other manner whatever, attempt to evade the payment of his fare, shall be liable to a fine not exceeding fifty Rupees for each offence.

Fine for entering carriage in motion.

Or riding on the steps.

7. Any passenger who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any carriage upon any such Railway, while such carriage is in motion; or who shall ride or attempt to ride upon any such Railway, on the steps, or any other part of a carriage, except on those parts which are intended for the accommodation of passengers, shall be liable to a fine not exceeding twenty Rupees for each offence.

Fine for riding on engine, tender or luggage-van.

8. Any person other than the engine-man, fire-man and assistant fire-man, if any, who, without the special license of the Superintendent of Locomotives, shall ride or attempt to ride upon any Locomotive engine or tender upon any such Railway; and any person other than the guard or breaksman, who, without such license as aforesaid, shall ride or attempt to ride upon such Railway, in or upon any luggage-van or goods-waggon, or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine not exceeding twenty Rupees for each offence.

Smoking prohibited.

9. If any person shall smoke, either on the premises, or in or upon any of the carriages belonging to any such Railway Company, except in places or carriages which may be specially provided for the purpose, he shall be liable to a fine not exceeding twenty Rupees for each offence; and if any person persist in infringing this regulation after being warned to desist by any of the Officers or servants of the Company, such person, in addition to incurring the liability abovementioned, may be removed by any of the Officers or servants of the Company from any such carriage, and from the premises of the Company, and shall forfeit his fare.

Penalty for intoxication or nuisance, criminal force, assault, or interference with passengers' comfort.

10. Any person who shall be in a state of intoxication, or shall commit any nuisance or act of indecency, or shall cause any noise or disturbance, or shall use criminal force or commit an assault, within the meaning of the Indian Penal Code, in any Railway carriage, or upon any part of the premises of any such Railway Company; or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on such Railway, shall be liable to a fine not exceeding twenty Rupees; and in addition to such liability, the offender may be removed by any of the

Officers or servants of the Company from any such carriage, and also from the premises of the Company, and shall forfeit his fare.

Penalty for entering room or carriage set apart for women.

11. If any special carriage, or portion of a carriage, or any private room or apartment, shall be provided by any such Railway Company for the exclusive use of females, any male person, who without lawful excuse shall enter such carriage, or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its exclusive appropriation, shall be liable to a fine not exceeding one hundred Rupees, and may be removed therefrom, and also from the premises of the Company, by any of the Officers or servants of the Company, and shall forfeit his fare.

Non-liability for passengers' luggage, unless booked and paid for.

12. No such Railway Company shall in any case be answerable for loss or injury to any passengers' luggage, unless it shall have been booked and separately paid for.

PART III.

Regulations as to Goods.

Non-liability for loss of gold, silver, &c., unless in the case of special engagement.

13. No such Railway Company shall in any case be answerable for loss of or injury to any gold or silver, coined or uncoined, manufactured, or unmanufactured, or any precious stones, jewellery, watches, clocks or time-pieces of any description, trinkets, Government securities, bills of exchange, hundís, promissory notes, Bank-notes, orders or other securities for payment of money, Government stamp-paper, postage stamps, maps, writings, title-deeds, paintings, engravings, pictures, plated articles, glass, china, opium, silks in a manufactured or unmanufactured state, and whether wrought up or not, wrought up with other materials, shawls, lace, or any of them contained in any parcel or package which shall have been delivered to such Railway Company, either to be carried for hire or to accompany the person of any passenger, unless the value and nature of such articles shall have been declared by the person or persons sending or delivering the same, and an increased charge for the safe conveyance of the same shall have accepted by some person specially authorized to enter into such engagements on behalf of the said Railway Company.

Public notice or private contract not to limit liability.

14. The liability of such Railway Company for loss of or injury to any articles or goods to be carried by them, other than those specially provided for by this Act, shall not be deemed or construed to be limited, or in any wise affected by any public notice given or any private contract made by them; but such Railway Company shall be answerable for such loss or injury when it shall have been caused by negligence or misconduct on the part of their agents, Officers or servants.

Remedy for non-payment of the carriage of goods.

15. If any person shall fail to pay on demand any sum due to any such Railway Company for the conveyance of any goods, it shall be lawful for the Company to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Company, any other goods of such person which shall then be on their premises, or shall thereafter come into their possession; and also to sell by public auction sufficient of such goods to realize the sum payable as aforesaid, and all charges and expenses of such detention and sale, and out of the proceeds of the sale, to retain the sum so payable, together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Company may recover any such sum by suit.

Written account of goods to be given on demand.

16. The owner or person having the care of any goods which shall have been carried upon any such Railway, or shall be brought on to the premises of any such Railway Company for the purpose of being carried on their Railway, shall, on demand by any Officer or servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be carried, deliver to such Officer or servant an exact account in writing signed by him of the number or quantity and description of such goods.

Penalty for false account.

17. If any such owner or person as aforesaid shall wilfully fail to give such account to such Officer or servant of the Company, or if he shall wilfully give a false account thereof, he shall for every such offence be liable to a fine not exceeding fifty Rupees for every ton of goods, or for any parcel exceeding one hundred weight; and to a fine not exceeding twenty Rupees for any quantity of goods less than a ton or for any parcel less than one hundredweight.

Carriage of goods of a dangerous nature.

18. No person shall carry upon any such Railway any dangerous goods, or be entitled to require any such Railway Company to carry upon such Railway any luggage or goods which, in the judgment of the Company or any of their Officers or servants, shall be of a dangerous nature; and if any person shall carry upon such Railway any dangerous goods, or shall deliver to such Railway Company any such goods for the purpose of being carried upon such Railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the book-keeper or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding two hundred Rupees for every such offence; and it shall be lawful for any such Company or any of their Officers or servants

to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the Company for the purpose of being carried on the Railway, it shall be lawful for the Company or any of their Officers or servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

PART IV.

Regulations for the Protection of the Officers, Servants and Property of the Company.

Penalty for obstructing servant in his duty.

19. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on such Railway, or any of the works, stations or premises connected therewith, shall be liable to a fine not exceeding fifty Rupees.

Penalty for trespass.

20. Any person who shall trespass upon any such Railway, or upon any of the lands, stations or other premises belonging to the Company, shall be liable to a fine not exceeding twenty Rupees; and if any such person shall refuse to leave such Railway or premises on being requested to do so by any Officer or servant of the Company, or by any other person on behalf of the Company, he shall be liable to a fine not exceeding fifty Rupees, and may be immediately removed from such Railway or premises by such Officer, servant or other person as aforesaid.

Penalty for driving an animal upon or across Railway.

21. Any person who shall wilfully ride, lead or drive upon or across any such Railway, any animal, except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do, shall be liable to a fine not exceeding fifty Rupees for each offence.

Liability of owner of animal trespassing on Railway.

22. The owner of any animal which shall trespass or stray upon any such Railway, or upon any lands belonging to such Railway Company, shall be liable to a fine not exceeding ten Rupees for each animal; and it shall be lawful for the Company, or any of their servants, to take or drive every animal which shall be found so trespassing to the nearest Police Station, there to be detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal be paid, or until a Magistrate shall otherwise order. A Magistrate may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine or such a sum, not exceeding ten Rupees for each animal, as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, and such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding and selling such animal, shall be returned to the owner of the animal on demand.

Penalty for injury to carriage, &c.

23. Any person who shall unlawfully and wilfully remove or deface the number-plates, or remove or extinguish any lamp on any carriage belonging to any such Railway Company; or shall wilfully or negligently damage or injure any carriage, engine, waggon, truck, warehouse, building, machine, fence, or any other matter or thing belonging to such Railway Company, shall be liable to a fine not exceeding fifty Rupees.

Penalty for opening or not properly shutting accommodation gates.

24. If any person for whose use or accommodation any gate shall have been set up by any such Railway Company on either side of such Railway, or any other person, shall open such gate, or pass or attempt to pass, or drive or attempt to drive any carriage, cattle or other animal or thing across the said Railway at a time when any engine or train approaching along the same shall be in sight; or shall at any time omit to shut and fasten such gate, as soon as he and any carriage, cattle or other animal or thing under his charge shall have passed through the same, he shall be liable to a fine not exceeding fifty Rupees.

Apprehension of offenders by Company's servants.

25. If any person shall commit any offence hereby made punishable by fine, and the name and address of such person shall be unknown, or there be reason to believe that the offender will abscond, any Officer or servant of the Company, or any Police Officer, or other person whom such Officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate, or other Officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other Officer, or shall be otherwise discharged by due course of law.

Power for Railway Companies to enter upon adjoining lands to repair accidents.

26. It shall be lawful for the Local Government to empower any Railway Company, in case of any accident or slip happening or being apprehended to any cutting, embankment, or other work belonging to them, to enter upon any lands adjoining their Railway for the purpose of repairing or preventing such accident, and to do such works as may be necessary for the purpose: Provided always, that in case of necessity, it shall be lawful for any Railway Company to enter upon such lands and do such works as aforesaid, without having obtained the previous sanction of the Local Government; but in every such case such Railway Company shall, within forty-eight hours after such entry, make a report to the Local Government, specifying the nature of such accident or apprehended accident and of the works necessary to be done, and such powers shall cease and determine if the Local Government shall, after considering the said report, certify that their exercise is not necessary for the public safety: Provided also, that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch; and full compensation shall be made

to the owners and occupiers of such lands for the loss or injury or inconvenience sustained by them respectively by reason of such works, the amount of which compensation, in case of any dispute about the same, shall be settled in manner provided by Act No. XXII of 1863, Section 33.

PART V.

Regulations binding on the Company.

Local Government may appoint persons to inspect Railways.

27. It shall be lawful for the Local Government, if and when they shall think fit, to authorize any proper Officer to inspect any Railway: and it shall be lawful for every Officer so authorized, at all reasonable times, upon producing his authority, if required, to enter upon and examine the said Railway, and the stations, works, and buildings, and the engines and carriages belonging thereto: Provided always, that no person shall be eligible to the appointment as Inspector as aforesaid who shall within one year of his appointment have been a Director or have held any office of trust or profit under any Railway Company.

Penalty on persons obstructing Inspector.

28. Every person wilfully obstructing any person, duly authorized as aforesaid, in the execution of his duty, shall for every such offence be liable to a fine of one hundred Rupees or to imprisonment for any period not exceeding three calendar months; such imprisonment to be determined on payment of the amount of the fine.

Notices to be given before opening Railway for passenger traffic.

29. No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one calendar month after notice in writing of the intention of opening the same shall have been given by the Company to whom such Railway shall belong to the Local Government, and until ten days after notice in writing shall have been given by the said Company to the Local Government of the time when the said Railway or portion of Railway will be, in their opinion, sufficiently completed for the safe conveyance of passengers and ready for inspection. If any Railway or portion of any Railway shall be opened without such notice as aforesaid, the Company to whom such Railway shall belong shall be liable to a fine of five hundred Rupees for every day during which the same shall continue open until the said notices shall have been duly given and shall have expired.

Penalty for failure to give notice.

Local Government empowered to postpone the opening.

30. If the Officer appointed by the Local Government to inspect any such Railway or portion of a Railway shall, after inspection thereof, report in writing to the Local Government that in his opinion the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the grounds of such opinion, it shall be lawful for the Local Government, from time to time and as often as such Officer shall, after further inspection thereof, so report, to order the Company to whom such Railway shall belong, to postpone such opening for any period not exceeding one calendar month at any one time, until it shall appear to the Local Government that such opening may take place without danger to the public; And if any such Railway or any portion thereof shall be opened contrary to any such order, the Company shall be liable to a fine of five hundred Rupees for every day during which the same shall continue open contrary to such order: Provided that no such order as aforesaid shall be binding upon any Railway Company unless therewith shall be delivered to the Company a copy of the report of the Officer upon which such order shall be founded.

Local Government empowered to close dangerous part of opened line.

31. If any portion of any Railway shall, in the opinion of any such Officer as last hereinbefore mentioned, become so unsafe as that traffic on the same would be attended with danger to the public, the Local Government may, on the receipt of his report in writing to that effect, order the Company to whom such Railway shall belong to close such portion and postpone the re-opening thereof, until it shall appear to the Local Government that such re-opening may take place without danger to the public. And if any such portion or any part thereof shall be re-opened contrary to such order, the Company shall be liable to a fine of five hundred Rupees for every day during which the same shall continue open contrary to such order. Provided that no such order as last aforesaid shall be binding upon any Railway Company unless therewith shall be delivered to the Company a copy of the report of the Officer upon which such order shall be founded.

Power to make crossings over Railways.

32. At any time after a Railway is constructed, it shall be lawful for the Local Government, if it shall think fit, to make roads across the Railway, and every such road shall be either carried over such Railway by means of a bridge of the height and width and with the ascent and descent, approved of by the Consulting Engineer to the Local Government, or it shall cross the Railway on a level. If the road be carried over the Railway by means of a bridge, such bridge with the immediate approaches and all other necessary works connected therewith, shall be made and executed, and at all times thereafter maintained, at the expense of the Local Government. If such road cross the Railway on a level, the gates mentioned and the proper persons directed to be employed in and by the next following Section, shall be erected, maintained and employed at the like expense.

Company to erect and maintain gates.

33. If the Railway cross any road on a level, whether such road be made before or after the construction of the Railway, the Railway Company shall erect, and at all times maintain

good and efficient gates, either across the Railway, or across the road on each side of the Railway, where the same shall communicate with the road, and shall employ proper persons to open and shut such gates. If such gates be across the road, they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages passing along the same, shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway, they shall be kept closed, except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions, and so constructed, as when open to fence in the Railway, and prevent cattle, carriages or passengers from entering upon the Railway. Provided that it shall be lawful for the Local Government in any case to order that the gates shall be across the road or across the Railway, as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly.

Fine for not erecting or maintaining gates.

34. If any Railway Company shall wilfully fail to comply with the provisions of Section 33 of this Act, the said Company shall be liable to be summoned before a Magistrate, and shall, on conviction before such Magistrate be liable to a fine not exceeding two hundred Rupees for every such failure.

Power to compel erection or maintenance of gates.

35. If any Railway Company shall fail, whether wilfully or not, to erect or maintain good and efficient gates according to the provisions of Section 33 of this Act, or to employ proper persons to open and shut them, any Magistrate may, after a summons for that purpose shall have been served on the said Company, order the Company to erect or maintain such gates within a time to be specified in the order. Such order may be made by a Magistrate whether the Railway Company itself shall have been charged with, or convicted of wilful failure under Section 34 of this Act or not. In case of wilful failure on the part of the Railway Company to comply with such order, they shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred Rupees for every day that they shall have wilfully failed to comply therewith.

Fine for continued neglect to comply with provisions of Sections 33 and 34.

36. If after any conviction under Section 34 or Section 35 of this Act, the Railway Company so convicted, shall, without lawful excuse, the burden of proving which shall be upon the said Company, neglect within seven days to perform the acts for wilful failure to do which it shall have been convicted, it shall be liable to be again from time to time summoned before a Magistrate, and upon conviction of such continued neglect, shall be liable to a fine not exceeding three hundred Rupees for every day during which such neglect shall have continued since the date of the former conviction, or if more than one conviction shall take place under this Section, since the date of the last preceding conviction.

Service of summons under Section 34, 35 or 36.

37. Any summons issued under Section 34, Section 35 or Section 36 of this Act, may be served upon the Railway Company, either by leaving the same at the Railway Station nearest to the place where the failure or omission shall have occurred, or by leaving the same at the Head Office of the said Railway Company, or by serving the same on the principal Agent or Manager of the Company in India.

Railway to be fenced.

38. Every such Railway Company shall be bound to erect and maintain good and sufficient fences on each side of their Railway; or, failing therein, shall be liable to a fine not exceeding fifty Rupees for every offence. Every such Railway Company shall also be bound either to erect and maintain a good and sufficient fence around any quarry or ballast-pit which they shall have excavated and which, in the opinion of any Magistrate, shall be dangerous to the public, or to fill in such excavation: And it shall be lawful for a Magistrate or Justice of the Peace to order the Company to erect or repair any such fence on each side of the said Railway or around the said quarry or ballast-pit or to fill in any such excavation, within a time to be specified in the order, and upon failure of the Company to comply with such order, they shall be liable to a fine not exceeding fifty Rupees for every day that they fail so to do.

Quarries and ballast-pits to be fenced or filled in.

Penalty for not fencing or filling in.

Duty of Railway Companies to make arrangements for receiving and forwarding traffic without unreasonable delay and without partiality.

39. Every Railway Company shall afford all reasonable facilities for the receiving and forwarding and delivering of traffic upon and from the Railway belonging to or worked by such Company and for the return of carriages, trucks, and other vehicles, and no such Company shall make or give any undue or unreasonable preference or advantage to or in favour of any particular person or Company, or any particular description of traffic, in any respect whatsoever, nor shall any such Company subject any particular person or Company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; and every Railway Company having or working a Railway which forms part of a continuous line of Railway communication, or which has the Terminus or Station of the one near the Terminus or Station of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such Railways by the other, without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction may be offered to the public desirous of using such Railways as a continuous line of communication, and so that all reasonable accommodation may, by means of the Railways of the several Companies, be at all times afforded to the public in that behalf.

Parties complaining that reasonable facilities for forwarding traffic, &c., are withheld, may apply to the High Court.

40. It shall be lawful for the Advocate General or any other person authorized to act for the Local Government in respect of any judicial proceeding, or for any Company or person complaining against any Railway Companies or Company of anything done, or of any omission made in violation or contravention of this Act, to apply, in a summary way, by motion or summons to the High Court, and it shall be lawful for such Court to hear and determine the matter of such complaint; and for that purpose, if such Court shall think fit, to direct and prosecute, in such mode and by such Engineers, Barristers or other persons as they shall think proper, all such inquiries as may be deemed necessary to enable such Court to form a just judgment on the matter of such complaint; and if it be made to appear to such Court on such hearing, or on the report of any such person, that anything has been done or omission made, in violation or contravention of this Act by such Companies or Company, it shall be lawful for such Court to issue an injunction restraining such Companies or Company from further continuing such violation or contravention of this Act, and enjoining obedience to the same; and in case of disobedience of any such injunction, it shall be lawful for such Court to enforce the same by imprisoning the Agent or Manager of any Company, or any owner, lessee, contractor, or other person failing to obey such injunction, for a term not exceeding two years; and such Court may also, if it shall think fit, make an order directing the payment by any one or more of such Companies of such sum of money as such Court shall determine, not exceeding for each Company the sum of two thousand Rupees for every day, after a day to be named in the order, that such Companies or Company shall fail to obey such injunction, and such monies shall be payable as the Court may direct, either to the party complaining, or into Court to abide the ultimate decision of the Court, or to Her Majesty, and payment thereof may, without prejudice to any other mode of recovering the same, be enforced in like manner as if the same had been recovered by decree in any High Court; and in any such proceeding as aforesaid, such Court may order and determine that all or any costs thereof or thereon incurred shall and may be paid by or to the one party or the other, as such Court shall think fit, and it shall be lawful for any such Engineer, Barrister, or other person, if directed so to do by such Court, to receive evidence on oath or affirmation relating to the matter of any such inquiry, and to administer such oath or affirmation.

Notice of death or accident to be given to Government.

41. Every Railway Company shall, within forty-eight hours after the occurrence upon the Railway or in or upon any of the stations, sheds, sidings, carriages or other property belonging to such Company, of any death or any accident attended with serious personal injury, give notice thereof to the Local Government and also to the Consulting Engineer to such Government.

Fine for not giving notice.

42. If any such Company omit to give such notice, the said Company shall be liable to be summoned before any Magistrate, and shall, on conviction before such Magistrate, be liable to a fine not exceeding fifty Rupees for every day during which such Magistrate shall find the said omission to have continued.

Return of accidents to be delivered to Government.

43. The Local Government may order and direct any such Railway Company to make up and deliver to them a Return of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, or in the construction, maintenance or repair of the line, whether attended with personal injury or not, in such form or manner as the Government shall deem necessary, or require for their information, with a view to the public safety.

Returns of traffic and tolls to be made by Railway Companies.

44. The Local Government may also order and direct every Railway Company to make and deliver to them Returns, according to a form to be provided by such Government, of the aggregate traffic in passengers, according to the several classes, and of the aggregate traffic in cattle and goods respectively, on the Railway, and also a table of all tolls, rates, and charges from time to time levied on each class of passengers, and on cattle and goods, conveyed on the Railway: Provided always, that such Returns shall be required, in like manner and at the same time, from all the said Companies, unless the Local Government shall specially exempt any of the said Companies, and shall enter the grounds of such exemption in the Minutes of their Proceedings.

Fine for non-delivery of Return.

45. If any Return required by this Act shall not be so delivered within fourteen days after the same shall have been required by the Government, the said Company shall be liable to be summoned before a Magistrate, and upon conviction before such Magistrate, shall be liable to a fine not exceeding fifty Rupees for every day during which the said Magistrate shall find that the said Company has omitted, after the expiration of fourteen days from the date of such requisition, to deliver the said Return.

Penalty for continued neglect to give notice or deliver Return.

46. If after any conviction of any failure or omission under Section 41 or Section 45 of this Act, the Railway Company so convicted shall, without lawful excuse, the burden of proving which shall be on the said Company, neglect within seven days to give the notice or deliver the Return for the omission to give or deliver which it shall have been convicted, the said Company shall be liable to be again from time to time summoned before a Magistrate, and upon conviction of such continued neglect, shall be liable to a fine not exceeding the sum of Rupees seventy-five for every day during which the neglect shall have continued from the date of the former conviction, or if more than one conviction shall take place under this Section, since the date of the last preceding conviction.

servant by sale of the goods and chattels of such servant, and if necessary by commitment of the said servant according to the provisions of Section 70 of this Act, or, if it shall think fit, to set-off and retain the amount so ordered to be paid, or any part thereof, against, or out of, any money payable from time to time by the said Railway Company to the said servant, and if such money shall not be sufficient for that purpose, to proceed to levy the unpaid residue of the amount so ordered to be paid, by distress and sale, or by commitment as aforesaid. Provided always, that no warrant or order shall be signed or granted by any Magistrate for the issue of any distress against such servant, or for the detention or confinement of such servant, unless the said Magistrate shall be satisfied that the Railway Company has paid or satisfied the fine as ordered to be paid by it as aforesaid.

Jurisdiction of Magistrate, &c., to fine.

66. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such Officer or not; and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

Conviction to be quashed on merits only. Form of conviction, &c.

67. No conviction, order or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions.

Magistrate may refer case to his Assistant or Deputy.

68. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant; and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistant or Deputy Magistrate, acting judicially.

Local Government may authorize Assistant to exercise without reference, powers given to them on reference.

69. The Local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one calendar month from the date of conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

Proviso.

Fines how to be recovered.

70. All fines imposed under the authority of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above named Officers. In case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the such Officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Jurisdiction in the Madras and Bombay Presidencies.

71. The heads of District Police and Ameens of Police in the Presidency of Madras, and District or joint Police Officers in the Presidency of Bombay, may punish, to the extent of the powers conferred upon them respectively in petty offences, any offence hereby made punishable by fine not exceeding twenty Rupees.

PART VIII.

Miscellaneous.

Company to regulate the use of the Railway.

72. It shall be lawful for any such Company, from time to time, subject to the provisions of this Act, to make regulations for the following purposes: (that is to say)—

For regulating the mode by which, and the speed at which, carriages using the Railway are to be moved or propelled;

For regulating the times of the arrival and departure of any such carriages;

For regulating the lighting, loading or unloading of such carriages, and the number of passengers or the weights which such carriages are respectively to carry;

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages;

And, generally, for regulating the travelling upon, or using and working of the Railway;

But no such regulation shall authorize the closing of the Railway, or prevent the passage of engines or carriages on the Railway at reasonable times, except at any time when, in consequence of any of the works being out of repair, or from any other sufficient cause, it shall be necessary to close the Railway, or any part thereof.

Power to make regulations by bye-laws.

73. For better enforcing the observance of all or any of such regulations, it shall be lawful for the Company to make bye-laws, and from time to time to repeal or alter such bye-laws, and make others, provided that such bye-laws be not repugnant to the laws of British India, or to the provisions of this Act and be confirmed or allowed by the Local Government; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Company; and any person offending against any such bye-law shall be liable for every such offence to a fine not exceeding fifty Rupees, to be imposed by the Company in such bye-laws as a penalty for any such offence, and if the infraction or non-observance of any such bye-law or other such regulation as aforesaid, be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the Railway, it shall be lawful for the Company summarily to interfere to obviate or remove such danger, annoyance or hindrance, and that without prejudice to any penalty incurred by the infraction of any such bye-law.

Publication of such bye-laws.

74. The substance of such last mentioned bye-laws, when confirmed or allowed by the Local Government shall be painted on boards or printed on paper in English and the vernacular language of the District, and pasted on boards and hung up and affixed and continued on the front or other conspicuous part of every Station belonging to the Company, according to the nature or subject-matter of such bye-laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby, and such boards shall from time to time be renewed as often as the bye-laws thereon or any part thereof shall be obliterated or destroyed. No fine imposed by any such bye-laws shall be recoverable, unless the same shall have been published and kept published in manner aforesaid.

Such bye-laws to be binding on all parties.

75. Such bye-laws, when so confirmed, published and affixed, shall be binding upon, and be observed by, all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such bye-laws, it shall be sufficient to prove that a printed paper or printed board, containing a copy of such bye-laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

Copy and translation of Act to be shown at Railway Stations.

76. A copy of this Act, and of the General Regulations, Time Tables, and Tariff of charges, which shall from time to time be published by any Railway Company with the sanction of the Local Government, shall be exhibited in some conspicuous place at each Station of every Railway, so that they may be easily seen and read, and all such documents shall be so exhibited in English and in the vernacular language of the District in which the Station is situate, and in such other language, if any, as shall be required by order of the Local Government.

All Indian Railways to be within the Act.

77. Every Railway within India used for the public conveyance of passengers or goods, shall, until the contrary be proved, be presumed to be a Railway within the meaning of this Act; and every Company to whom any such Railway shall belong shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to consolidate and amend the law relating to Railways in India. It repeals and re-enacts, with the necessary alterations and additions, Act No. XVIII of 1854 with the amending Act No. LII of 1860.

The principal alterations are the following:—

Act XVIII of 1854 only applies to the Railways working under the superintendence of Government. The present Bill applies to all Indian Railways and Tramways, whether under the superintendence of Government or not, and whether opened or not for traffic.

The Act only applies to the Territories in the possession and under the government of the Company. The Bill applies not only to the Territories vested in Her Majesty under 21 & 22 Vic., Cap. 106, but also (so far as regards British subjects) to the dominions of allied Princes and States in the East Indies.

The chief additions are as follows:—

Opium has been added to the list of articles mentioned in Section 10 of the Act, for the loss of which the Company is not liable in the absence of a special contract.

The Local Government, like the Board of Trade under 5 & 6 Vic., Cap. 55, Section 14, is empowered to authorize Railway Companies to enter upon adjoining lands to repair accidents. The Local Government is also to appoint a proper Officer to inspect any Railway, and a penalty is imposed on persons obstructing such Inspector. These provisions are taken from the Statute 3 & 4 Vic., Cap. 97, Sections 5 and 6. Before opening any Railway for passenger traffic, a month's notice in writing is to be given by the Company to the Local Government. The Local Government is empowered to

postpone the opening. Here again English statutory provisions have been adopted. When a line has been opened and becomes unsafe in any part, the Local Government is empowered to close such part until it may be re-opened with safety.

Provision is made to compel the Companies to erect and maintain the gates mentioned in Section 19 of the Act, and to employ proper persons to open and shut them. Dangerous quarries and ballast-pits are to be fenced or filled up.

The Companies are required to make arrangements for receiving and forwarding traffic without unreasonable delay, and without partiality, and persons complaining that reasonable facilities for forwarding traffic, &c., are withheld, may apply to the High Court. The provisions on this head are taken, with the necessary modifications, from the English Statute 17 & 18 Vic., Cap. 31.

The Companies are required, within forty-eight hours, to give notice to the Local Government and the Consulting Engineer, of any death or serious accident upon the Railway. They will also have to make Returns of such accidents, and of the aggregate traffic in passengers, cattle, and goods. Tables of tolls are also to be made and delivered to Government. Such traffic returns and tables are required in England by Statute 3 & 4 Vic., Cap. 97.

As to Railway servants, the Bill provides that they are to be deemed "public servants" within the meaning of Sections 161—165 of the Indian Penal Code. This, it is hoped, will discourage the practice of accepting bribes to forward goods, which is said to prevail to a serious extent. The Bill also contains provisions requiring Station Masters to give notice of accidents to the Police, and imposes penalties on Railway Officers making false Returns. As to fines and convictions, the principal additions are a power to Government to set-off fines on a Company against money payable to the Company by the Secretary of State for India. This, of course, is not to apply to guaranteed interest on the paid-up capital of the Company. The Bill also contains provisions as to the liability of a Railway Company's servant when a fine is imposed on the Company in consequence of his neglect: as to the prosecution of such servants for offences under the Bill: as to the apportionment of fines between them where an offence has been jointly committed; and as to the levy or set-off by the Company of the amount of fine payable by any such servant.

Lastly, the Bill empowers the Companies to make bye-laws to regulate the use of the Railways and provides for the publication and enforcement of such bye-laws.

With these additions to the Railway law and with the provisions as to fines necessary to give them effect, the Bill has become so lengthy as to render it desirable to divide it into parts with titles. Part I contains some preliminary provisions. Part II, regulations as to passengers, their fares, and luggage. Part III, regulations as to goods. Part IV, the regulations for the protection of the Officers, servants, and property of Railway Companies. Part V, the regulations binding on the Companies. Part VI, the regulations binding on Railway Officers and servants. Part VII relates to fines and convictions under the Act; and Part VIII contains some miscellaneous enactments, including the provisions as to bye-laws.

G. N. TAYLOR.

The 2nd January 1866.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,

Home Department (Legislative).

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 19th January 1866.

We the undersigned, the Members of the Select Committee of the Council of the Governor-General of India for the purpose of making Laws and Regulations, to whom the Bill to legalize, under certain circumstances, the re-marriage of Native Converts to Christianity was referred, have the honour to report as follows :—

1. The Bill and the legislative proceedings relating to it having been extensively circulated with the express object of eliciting opinion from the various persons and religious communities interested in the measure, a very great number of papers having reference to it have been received in the Legislative Department. A list of them will be found in the Appendix to our Report. Most of these communications discuss the principle of the proposed Bill, and on these we will only remark that the weight of opinion, so far as it can be collected from them, appears to be in favour of the measure. The details of the Bill are, however, criticized in a certain number of the documents which have been sent in. To such criticisms we have given our careful attention, and we have derived from them much valuable assistance.

2. In compliance with the nearly unanimous wish of the persons and bodies which have addressed the Legislature on the subject, we have provided in the Bill, as amended by us, for the dissolution of the former marriage in all cases where the Petitioner obtains a decree permitting re-marriage. The change necessitates an alteration in the title of the Bill, and enables us to omit several Sections which were contained in the original draft.

3. We propose that the procedure to be followed when the Petitioner is a female shall differ in some respects from the procedure prescribed by the Bill in the case of male Petitioners. We are of opinion, after careful consideration, that the difficulties attending compulsory private interviews in cases where the convert is a female, and the husband retains his native religion, are insuperable. We have, therefore, provided that in such cases the male respondent shall be merely interrogated by the Judge, and that upon his reiterated refusal to cohabit with the Petitioner, a decree shall be made

dissolving the marriage. But we have introduced a proviso that, if the Petitioner so desire, the procedure shall be in all respects identical with that which male Petitioners are bound to follow.

4. The degree of respect due to infant marriages is a subject a good deal discussed in the papers before us. We have not thought fit to assume the absolute nullity of such marriages, but we propose that when the parties have reached the age which admits of a suit being instituted under the Bill, the unconverted partner shall be once interrogated, and that, in case of a refusal to cohabit, a decree shall issue.

5. We provide that there shall be no appeal from any of the orders passed in a suit under the Bill. While the power of appeal, however limited, might be employed to protract the proceedings to an inordinate length, we think it would be of little service to the ends of justice, the questions to be tried being necessarily for the most part questions of fact of the simplest kind, and the Court empowered to try them being a tribunal of dignity and authority, the District Court in the Mofussil, and the High Court on its original side in the Presidency Towns

6. As apprehension is expressed in many of the papers before us that the expense of the proceedings will be beyond the means of the classes to which the converts in general belong, we have reduced the stamp on the petition from ten rupees to two.

7. A point which we have anxiously considered is the claim of the Roman Catholics to be exempted from the Bill. The Roman Catholic Clergy have addressed to us several urgent representations which will be found among the papers circulated through the Council, and they deputed Dr Hartmann, the Vicar-Apostolic of Patna, to confer with the Legislative Department on the subject of the proposed legislation. While they express their approval of the principle of the measure, and affirm that it has always had the sanction of their Church, they assert that they have a procedure of their own, founded on the Canon-law and of much antiquity, which, though it does not widely differ from the procedure prescribed by the Bill, is, nevertheless, not exactly identical with it. They aver that it would be against their conscience and their duty to substitute any secular procedure for that which their own ecclesiastical authorities direct to be observed. As we are satisfied of the existence of such a procedure, and as we feel ourselves compelled to attach weight to the fact that the British Government in Ireland and in its Colonial dependencies has never attempted to interfere with Roman Catholic discipline on the subjects of marriage and divorce, we have thought fit to introduce a Section which will have the effect of placing the Roman Catholic Clergy and their converts on the same footing in which they would have been if Act XXV of 1864 and Act V of 1865 had not passed.

8. The communications which we have hitherto noticed have proceeded from persons or bodies professing the Christian religion. Other documents have been received by us which discuss the provisions of the measure from the point of view of the unconverted partner whose marriage is sought to be dissolved.

9. The Mahometans claim to be totally exempted from the Bill. The Mahometan community of Bengal, in a temperately worded petition, have represented that, by the law of their religion, which is also the secular law applicable to marriage and divorce, the conversion of either husband or wife from Mahometanism entails a cancelment of the marriage so complete that the partners cannot re-marry without certain special formalities. They cite many passages from their religious writers in favour of their proposition, and the greatest part of their petition is occupied with a representation of the consequences which would follow if persons who, on the assumption that the view taken by the petition is correct, are no longer husband and wife, were confronted in the manner directed by the Bill. As the force of the argument depends wholly on the soundness of the legal position taken up, we have attentively considered the authorities cited, and have had them critically examined by our Hon'ble colleague, Mr. Muir, whose competency to deal with a question of the kind will not be disputed. We have convinced ourselves accordingly that the view taken by the Mahometan petitioners is correct, and we find that the law is similarly laid down in English text-books of Mahometan jurisprudence written before the Bill was contemplated. Inasmuch, however, as the authorities cited are from writers held in respect, more particularly by the Sunni section of Mahometans, we thought proper to communicate on the subject, through the Chief Commissioner of Oudh, with the Mujtahid, the religious head of the Shiah Mahometan community. The law laid down by him corresponds exactly with the allegations of the Petitioners. Under these circumstances, it is not only undesirable, but impossible, to include Mahometans in the Bill. The re-marriage of a convert to Christianity from Mahometanism is not forbidden by any existing law. Nor is the celebration of such marriage an illegal act.

10. Some attempt has been made to show that the conversion of a married person from Hindúism to another religion entails a divorce by force of law. We are not, however, satisfied with the arguments by which this view is supported, and, moreover, it is only maintained in the case, comparatively rare in practice, where the wife is a convert, while the husband remains a Hindú. We have, therefore, retained the procedure of the Bill in its application to Hindúism and other Native religions of India. At the same time, we believe that most, if not all, of the objections advanced by Hindús to the measure may be met by provisions which are not at variance with its spirit. In our endeavours so to neutralize these objections, we have been much aided by papers circulated by our Hon'ble colleagues the Mahárájá of Vizianagram and the Mahárájá of Burdwan, and also by a petition from the British Indian Association of Bengal.

11. We have provided, in the amended Bill, that wherever the respondent is a female who, under the Code of Civil Procedure, would be excused from personal appearance in Court, she shall be exclusively interrogated by Commissioners. We have given a similar privilege to all female respondents whom, whether they be entitled to exemption from appearance under the Code or not, the Judge in his discretion may think fit to relieve from the necessity of personal attendance. We have further adopted a suggestion made both by the Mahárájá of Vizianagram and by the Mahárájá of Burdwan, and have permitted the Judge to compose the Commission either wholly of females or of males and females together. The Judge is also empower-

ed to depute to delegates, who may be females, the discretion which is vested in him with respect to interviews between the convert and the unconverted partner.

12. The only Section of the Bill as originally drafted, which related to the custody of children, was one which provided, that children in the sole custody of the father should be given up to the mother until they attained the age of three. We find that objections have been made to this Section from opposite points of view. After weighing these objections, we are disposed to accede to the opinion expressed by our late colleague, Mr. Harington, and to admit that the Legislature would do wisely to abstain from regulating the guardianship or custody of children born before the conversion of the father or mother. We propose, therefore, to omit the Section. The effect will be to leave the general law of India to decide all questions of guardianship, and of the right to custody of the persons of the children.

13. We recommend, that the Bill as amended by us be passed; but that it be published for at least three weeks previously in the *Gazette of India*, together with our present Report.

JOHN LAWRENCE.
C. BEADON.
H. S. MAINE.
G. N. TAYLOR.
W. MUIR.
S. ST. J. GORDON.

The 15th January 1866.

APPENDIX.

From Secretary to Government of Bombay, dated 23rd December 1852.

From Reverend John Wilson, D. D., dated 17th January 1852.

From Secretary to Government of Bengal, dated 3rd August 1853.

From Reverend J. Parry, Marriage Registrar, Jessore, dated 17th November 1852.

From Under Secretary to Government of Bengal, dated 25th November 1852.

From Solicitor to the East India Company, dated 10th December 1852.

From Under Secretary to Government of Bengal, dated 16th December 1852.

From Marriage Registrar, Jessore, dated 14th July 1853.

Minute by the Most Noble the Governor-General, dated 12th August 1853.

Minute by the Honourable Mr. Lowis, dated 16th August 1853.

Minute by the Honourable Mr. Dorin, dated 17th August 1853.

Minute by the Honourable Mr. Peacock, dated 18th August 1853.

Minute by the Most Noble the Governor-General, dated 26th August 1853.

Minute by the Honourable Mr. Lowis, dated 27th August 1853.

Minute by the Honourable Mr. Dorin, dated 29th August 1853.

Minute by the Honourable Mr. Peacock.

From Officiating Secretary to Government of India, Home Department, dated 30th September 1853.

From ditto ditto, dated 30th September 1853.

From the Government of India, to the Hon'ble the Court of Directors, dated 30th September 1853.

From Under Secretary to Government of Bengal, dated 3rd November 1853.

From Secretary to Government of India, Home Department, dated 18th November 1853.

From the Honourable the Court of Directors, dated 7th December 1853.

Draft Bill by the Honourable Mr. Peacock.

From Reverends W. Knight and H. Straith, dated 26th July 1860.

From Secretary to Calcutta Missionary Conference, dated 10th October 1863.

From Secretary to Government of Bengal, dated 9th August 1864.

From Secretary to Calcutta Missionary Conference, dated 29th July 1864.

From Secretary to Government of India, Home Department, dated 29th August 1864.

From Reverend J. Mullens, D. D., to the Hon'ble H. S. Maine, dated 9th November 1864.

From Orissa Missionary Conference, to the Hon'ble H. S. Maine, dated 14th December 1864.

Petition of the Clergymen of the Church of England, resident in Calcutta and its neighbourhood.

Remarks and suggestions by the Hon'ble the Mahárájá of Burdwan, dated 18th January 1865.

Memorial of the Bombay Association.

Remarks and suggestions by the Hon'ble the Mahárájá of Vizianagram, dated 23rd March 1865.

Petition of certain Protestant Missionaries and Ministers, resident in and near Calcutta, dated 7th March 1865.

Petition of the Reverend Angus McKenna, Missionary of the Baptist Society, dated 18th January 1865.

From Reverend E. Edwards, Monghyr, dated 8th May 1865.

Petition of the Members of the Benares District Committee of the London Missionary Society.

From Dr. Mullens, Secretary, Missionary Conference, Calcutta, dated 12th July 1865.

From Reverend H. Heinig, Benares, dated 13th March 1864.

From Reverend J. Buckley, Orissa Mission, Cuttack, dated 21st April 1865.

From Reverend E. Parker, Moradabad, dated 5th May 1865.

From Reverend A. Rudolph, Loodianah, dated 17th April 1865.

From Reverend A. Miller, Balasore, dated 13th March 1865.

From Reverend W. Tracy, and the American Mission, Madura, dated 29th May 1865.

From Reverend J. W. Gordon, Vizagapatam, dated 10th May 1865.

From Reverend S. C. Dean, Sattara, dated 11th April 1865.

From Reverend F. Kremmer and the Leipsig Mission, Madras, dated 11th May 1865.

From Reverend J. M. Haswell, Moulmein, dated 24th May 1865.

From Reverend E. A. Stevens, and the American Mission, Rangoon, dated 10th May 1865.

Returns of cases illustrating the "Re-marriage of Converts' Act."

Remarks by Dr. Mullens.

From Bishop and Vicar Apostolic, Madras, No. 95, dated 6th July 1865.

Petition of Protestant Missionaries and Ministers, resident in and near Madras.

From Right Reverend the Lord Bishop of Calcutta, dated 15th August 1865.

Reverend K. M. Banerjea's reasons for signing the clerical petition against the Re-marriage of Converts' Bill.

Statistics of the Bhowanipoor Church, London Missionary Society.

Statistics of the Free Church Mission in Bengal.

Statistics of the S. P. G. and other Missions in Tallygunge, Howrah, and Calcutta.

From Reverend R. R. Winter, M. A., S. P. G. Missionary, Delhi, dated 11th April 1865.

From Reverend Tarachand, Missionary at Delhi, dated 5th May 1865.

From Reverend H. Stern, Missionary, Goruckpore, dated 28th February 1865.

From some of the Church Missionaries at Benares, dated 22nd June 1865.

From Reverend A. R. Symonds, Madras, dated 9th March 1865.

Extract from Minutes of the Tinnevelly Missionary Conference held at Elanjunie, dated 5th April 1865.

From Reverend W. T. Sattbianadhan, Madras, dated 25th March 1865.

From Reverend S. Slater, Simla, dated 1st March 1865.

The Lord Bishop's pastoral letter to the Clergy of the Diocese of Calcutta, dated 25th February 1865.

From the Ven'ble the Archdeacon, Calcutta, dated 23rd September 1865.

Memorial of the Clergy of the Diocese of Calcutta.

Appendix to Memorial (Statement of separation, reconciliation, &c.)

Notes on the above Statement.

Petition of American Missionaries residing in the Bombay Presidency, dated 26th August 1865.

Petition of the Protestant Missionaries of the United Presbyterian Church of Scotland, Rajpootana.

Extract from the *Calcutta Christian Intelligencer* for September 1865.

Memorandum of the Tinnevelly Local Committee of the Society for the Propagation of the Gospel, dated 21st August 1865.

From the Right Reverend the Lord Bishop of Bombay, dated 6th November 1865.

Memorial from the Clergy of the Church of England, resident in Bombay.

Memorial from the Right Reverend Dr. A. Hartmann, Bishop, Vicar Apostolic of Patna, dated 23rd November 1865.

Petition from Joseph Owen, Moderator, on behalf of the Synod of Northern India, Umballa, dated 20th November 1865.

From the Right Reverend the Lord Bishop of Madras, dated 18th November 1865.

Resolution of a Meeting of the S. P. G. Missionaries in Tanjore Division.

Extract from Minutes of Conference of the C. M. S. Missionaries, Tinnevelly, dated 5th April 1865.

Extract from Minutes of the Quarterly Meeting of the Masulipatam Church Missionary Conference, dated——August 1865.

From Reverend Dr. Murphy, Chaplain, Registrar of the Diocese of Madras, dated 10th May 1865.

From Reverend R. Collins, Principal of the C. M. S. College at Cottayam, Travancore.

From Reverend C. E. Kennet, S. P. G. Missionary, Tinnevelly, dated 24th March 1865.

From Reverend C. S. Kohlhoff, S. P. G. Missionary, Tanjore Division, dated 25th September 1865.

From Reverend H. Baker, C. M. S. Missionary, Travancore, dated 30th September 1865.

From Missionaries of the Basel German Mission.

One groaning under the Marriage Act of 1864, dated 23rd November 1865.

Memorial of the Catholic Bishops of Southern India.

From Reverend F. Schurr, dated 9th November 1865.

Petition of certain Native Christian subjects in Bengal.

Remarks on the pamphlet containing the memorial of the Clergy of the diocese of Calcutta, and the Reverend K. M. Banerjea's introductory remarks.

Memorial of the Native Hindú community of the North-Western Provinces and Punjab, dated 29th November 1865.

Memorial of the British Indian Association, dated 7th December 1865.

From Mahárája of Benares, dated 31st January 1865.

Petition of Free Presbytery of Bombay, dated——December 1865.

Petition of the Mahomedan inhabitants of the town and suburbs of Calcutta.

Petition of the Presbyterial Body of the Church of Scotland in Bombay.

From Moonshee Ameer Ali, dated 20th December 1865.

Petition of Native Christians residing in Ahmednuggur, Bombay, dated 13th December 1865.

Opinion of Mujtahid or Chief Authority of the Shiahs, Lucknow.

Petition of certain Hindús.

Memorial of certain Native Christians.

AMENDED BILL.

A Bill to legalize, under certain circumstances, the dissolution of marriages of Native Converts to Christianity.

Preamble.

Whereas it is expedient to legalize, under certain circumstances, the dissolution of marriages of Native Converts to Christianity deserted or repudiated, on religious grounds, by their wives or husbands; It is enacted as follows:—

Short title.

1. This Act may be cited as "The Native Converts' Divorce Act, 1866."

Commencement of Act.

2. This Act shall commence and take effect on and from the first day of May 1866.

Interpretation of terms "Native Husband."

3. In this Act—

"Native Husband" shall mean a married man domiciled in British India, who shall have completed the age of sixteen years, and shall neither be a Christian, a Mahomedan, nor a Jew:

"Native Wife."

"Native Wife" shall mean a married woman domiciled in British India, who shall have completed the age of thirteen years, and shall neither be a Christian, a Mahomedan, nor a Jewess:

"Native Law."

"Native Law" shall mean any law, or custom having the force of law, of any persons domiciled in British India other than Christians, Mahomedans and Jews:

"Month" and "year."

"Month" and "year" shall respectively mean month and year according to the British calendar:

"Number."

And, unless there be something repugnant in the subject or context, words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Convert deserted by his wife on religious grounds may sue for conjugal society.

4. If a Native husband change his religion for Christianity, and if solely in consequence of such change his Native wife, for the space of six continuous months, desert or repudiate him, he may sue her for conjugal society.

Convert deserted by her husband on religious grounds may sue for conjugal society.

5. If a Native wife change her religion for Christianity, and if solely in consequence of such change her Native husband, for the space of six continuous months, desert or repudiate her, she may sue him for conjugal society.

Court in which suit shall be brought.

6. If the respondent, at the time of commencement of such suit, reside within the local limits of the ordinary original civil jurisdiction of any of the High Courts of Judicature, the suit shall be commenced in such Court; otherwise it shall be commenced in the principal Civil Court of original jurisdiction of the District in which the defendant shall reside at the commencement of the suit.

Suit to be commenced by verified petition.

7. The suit shall be commenced by a petition in the form in the first schedule to this Act, or as near thereto as the circumstances of the case will allow. The statements made in the petition shall be verified by the Petitioner in the manner required by law for the verification of plaints; and the petition shall bear a stamp of two rupees, and may be amended by permission of the Court.

On service of petition, citation issued to respondent.

8. A copy of the petition shall be served upon the respondent, and the Court shall thereupon issue a citation under the seal of the Court and signed by the Judge.

Form of citation.

9. In ordinary cases the citation shall be in the form in the second schedule to this Act, or as near thereto as the circumstances of the case will allow. But where the respondent is exempt by law from personal appearance in Court, or where the Judge shall so direct, the citation shall be in the form in the third schedule to this Act, or as near thereto as the circumstances of the case will allow.

Service of citation.

10. A copy of the citation sealed with the seal of the Court shall be served on the respondent; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to citations under this Act.

Procedure where respondent does not obey citation.

11. If the respondent shall not obey such citation, and comply with every other requirement made upon her or him under the provisions of this Act, she or he shall be liable to punishment under Section 174 of the Indian Penal Code.

Points to be proved on appearance of parties.

12. On the day fixed in the citation the petitioner shall appear in Court, and the following points shall be proved:—

(1.) The identity of the parties:

(2.) The marriage between the Petitioner and the respondent:

(3.) That the male party to the suit has completed the age of sixteen years, and that the female party to the suit has completed the age of thirteen years:

(4.) The desertion or repudiation of the Petitioner by the respondent:

(5.) That such desertion or repudiation was in consequence of the Petitioner's change of religion;

(6.) And that such desertion or repudiation had continued for the six months immediately before the commencement of the suit.

First interrogation of respondent

13. The respondent, if such points be proved to the satisfaction of the Judge, shall thereupon be asked whether she or he refuses to cohabit with the Petitioner, and, if so, what is the ground of such refusal. In ordinary cases such interrogation and every other interrogation prescribed by this Act shall be made by the Judge, but when the respondent is exempt by law from personal appearance in Court, or when the Judge shall, in his discretion, excuse the respondent from such appearance, the interrogations shall be made by Commissioners acting under such Commission as hereinafter mentioned.

Interrogations by Judge may be public or private.

14. Every interrogation mentioned in this Act and made by the Judge may, at the discretion of the Judge, take place in open Court or in his private room. If any such interrogation take place in open Court, the Judge may, so long as it shall continue, exclude from the Court all such persons as he shall think fit to exclude.

Adjournment for a month if female respondent refuses to cohabit on account of Petitioner's conversion.

15. If the respondent be a female, and in answer to the interrogatories of the Judge or Commissioners, as the case may be, shall refuse to cohabit with the Petitioner, and allege, as the sole ground for such refusal, that the Petitioner has changed his religion, the Judge shall make an order adjourning the case for one month, and directing that in the interim the parties shall, at such place and time as he shall deem convenient, have a private interview of such length as the Judge shall direct with the view of ascertaining whether or not the respondent freely and voluntarily persists in such refusal. Such interview shall be subject to any conditions as to privacy which the Judge shall think fit: Provided that no condition which might interfere with the ascertainment of the respondent's wishes respecting such refusal shall be imposed upon such interview.

Parties in the interim to have a private interview.

Second interrogation of female respondent.

16. At the expiration of such adjournment, the Petitioner shall again appear in Court, and if the respondent, on being interrogated by the Judge or Commissioners, as the case may be, again refuse to cohabit with the Petitioner, and allege, as the sole ground for such refusal, the Petitioner's change of religion, the suit shall be adjourned one year.

Adjournment for a year.

Point to be proved on expiration of adjournment.

17. At the expiration of such adjournment, the Petitioner shall again appear in Court, and shall prove that the said desertion or repudiation had continued up to the time last hereinbefore referred to.

On proof of the requisite points, suit to be adjourned for a month, and parties to have another interview.

18. If the points mentioned in the twelfth and seventeenth Sections of this Act shall be proved to the satisfaction of the Judge, he shall adjourn the suit for one month, and direct that in the interim the parties shall have another interview of such length and subject to

such conditions as mentioned in the fifteenth Section of this Act.

At expiration of adjournment, if female respondent refuse to cohabit, decree to pass dissolving marriage.

19. At the expiration of such adjournment, the Petitioner shall again appear in Court; and if the respondent on being interrogated by the Judge or Commissioners, as the case may be, again refuse to cohabit with the Petitioner, and allege the Petitioner's conversion as the sole ground for such refusal, the respondent shall be taken to have finally deserted or repudiated the Petitioner, and the Judge shall, by a decree under his hand and sealed with the seal of his Court, declare that the marriage between the parties is dissolved.

Decree in case of male respondent refusing to cohabit on the sole ground of Petitioner's change of religion.

20. If the respondent be a male, and in answer to the interrogatories of the Judge or Commissioners, as the case may be, shall refuse to cohabit with the Petitioner, and allege as the ground for such refusal that the Petitioner has changed her religion, the Judge shall adjourn the case for a year. At the expiration of such adjournment, the Petitioner shall again appear in Court; and if the respondent on being interrogated by the Judge or Commissioners, as the case may be, again refuse to cohabit with the Petitioner, the Judge shall thereupon pass such a decree as last aforesaid: Provided that if the Petitioner shall so desire (but not otherwise), the proceedings in the suit shall, *mutatis mutandis*, be the same as in the case of a female respondent.

Proviso.

Decree if respondent so refuse in the case of an unconsummated marriage, either party being *impubes* at time of marriage.

21. Notwithstanding anything hereinbefore contained, if it shall appear at any stage of the suit that both or either of the parties had not attained puberty at the date of their marriage, and that such marriage has not been consummated; and if, in answer to the interrogatories made pursuant to the thirteenth Section of this Act, the respondent shall refuse to cohabit with the Petitioner and allege, as the ground for such refusal, that the Petitioner has changed his or her religion, the Judge shall thereupon pass such a decree as last aforesaid.

Liberty to parties to marry again.

22. When any decree dissolving a marriage shall have been passed under the provisions of this Act, it shall be as lawful for the respective parties thereto to marry again as if the prior marriage had been dissolved by death, and the issue of any such remarriage shall be legitimate, any Native law to the contrary notwithstanding. Provided always that no Minister of religion shall be compelled to solemnize the marriage of any person whose former marriage may have been dissolved under this Act, or shall be liable to any suit or penalty for refusing to solemnize the marriage of any such person.

Judge may order Commission to issue for examination of exempted persons.

23. In suits instituted under this Act, the Judge may order a Commission to issue to such persons, whether males or females or both, as he shall think fit, for the examination on interrogatories or otherwise of any persons so exempt as aforesaid. The provisions of the Code of Civil Procedure shall, so far as practicable, apply to Commissions issued under this Section.

Proof of the marriage, and the desertion or repudiation of Petitioner in consequence of conversion.

24. At any stage of a suit instituted under this Act, cohabitation as man and wife shall be sufficient presumptive evidence of the marriage of the parties, and proof of the respondent's refusal or voluntary neglect to cohabit with the Petitioner, after his or her change of religion, and after knowledge thereof by the respondent, shall be sufficient evidence of the respondent's desertion or repudiation of the Petitioner, and shall also be sufficient evidence that such desertion or repudiation was solely in consequence of the Petitioner's change of religion, unless some other sufficient cause for such desertion or repudiation be proved by the respondent.

Provisions of Civil Procedure Code as to witnesses to apply in suits under this Act.

25. The provisions of the Code of Civil Procedure, as to the summoning and examination of witnesses, shall apply in suits instituted under this Act.

Delegation by Judge of powers vested in him in reference to interviews.

26. In suits instituted under this Act, the Judge may, in his discretion, delegate to two or more persons, who may be males or females or both, all or any of the authority and discretion hereby vested in him in reference to all or any of the interviews hereinbefore mentioned.

Dismissal of suit if either party is under the age required by the Act, or if the parties are cohabiting, or the respondent is willing to cohabit.

27. If at any stage of the suit it be proved that the male party to the suit is or was at the institution thereof under the age of sixteen years, or that the female party to the suit is or was at the same time under the age of thirteen years, or that the Petitioner and the respondent are cohabiting as man and wife, or if the Court is satisfied by the evidence adduced that the respondent is ready and willing so to cohabit with the Petitioner, the Court shall pass a decree dismissing the suit, and stating the ground of such dismissal.

Revival of suit after such dismissal.

28. If at any time after a decree dismissing the suit upon any of the grounds mentioned in the last preceding Section, the respondent again desert or repudiate the Petitioner upon the ground of his or her change of religion, the suit may be revived by summoning the respondent; and upon proof of the former decree and of such renewed repudiation or desertion, the suit shall recommence at the stage at which it had arrived immediately before the passing of such decree; and, after the proofs, interrogations, interviews and adjournments which may then be requisite under the provisions hereinbefore contained, the Judge shall pass a decree of the nature mentioned in the nineteenth Section of this Act.

Petitioner's cruelty or adultery to bar the suit.

29. If at any stage of the suit it be proved that the respondent has deserted or repudiated the Petitioner solely or partly in consequence of the Petitioner's cruelty or

adultery, the Court shall pass a decree dismissing the suit and stating the ground of such dismissal. A suit dismissed under this Section shall not be revived.

Male Petitioner's cohabitation with one of several wives to bar the suit.

30. If the Petitioner, being a male, has at the time of the institution of the suit two or more wives, he shall make them all respondents; and if at any stage of the suit it be proved that he is cohabiting with one of such wives as man and wife, or that any one of such wives is ready and willing so to cohabit with him, the Court shall pass a decree dismissing the suit and stating the ground of such dismissal. The provisions as to revival contained in the twenty-eighth Section of this Act shall apply, *mutatis mutandis*, to a suit dismissed under this Section.

Dissolution of marriage not to affect status or rights of children.

31. A dissolution of marriage under the provisions of this Act, shall not operate to deprive the respondent's children (if any) by the Petitioner of their status as legitimate children, or of any right or interest which they would have had, according to the Native law applicable to them by way of maintenance, inheritance or otherwise, in case the marriage had not been so dissolved as aforesaid.

Power to Court to award alimony.

32. If a suit be commenced under the provisions of this Act, and it appear to the Court that the wife has not sufficient separate property to enable her to maintain herself suitably to her station in life, and to prosecute or defend the suit, the Court may, pending the suit, order the husband to furnish the wife with sufficient funds to enable her to prosecute or defend the suit, and also for her maintenance pending the suit. If the suit be brought by a husband against a wife, the Court may by the decree order the husband to make such allowance to his wife for her maintenance during the remainder of her life as the Court shall think just, and having regard to the condition and station in life of the parties. Any allowance so ordered shall cease from the time of any subsequent marriage of the wife.

No appeal against orders and decrees under this Act.

33. No appeal shall lie against any order or decree made or passed by any Court under the provisions of this Act.

Saving of Roman Catholic marriages.

34. Nothing contained in this Act or in Acts Nos. XXV of 1864 and V of 1865 shall be taken to render invalid any marriage of a Native convert to Roman Catholicism if celebrated in accordance with the rules, rites, ceremonies and customs of the Roman Catholic Church; and no Clergyman of such Church shall be liable to any suit or penalty under the provisions of either of the two Acts last hereinbefore mentioned, for solemnizing any such marriage.

Extent of Act.

35. This Act shall extend to all the territories that are or shall become vested in Her Majesty or Her successors by the statute 21 and 22 Vic., cap. 106, entitled "An Act for the better government of India," except the Settlement of Prince of Wales' Island, Singapore and Malacca. But it may be extended, with the consent of the Governor-General of India in Council, by order of the Governor of such Settlement to all or any part of the territory subject to his Government; and he may, with such consent as aforesaid, determine the Court in which suits against residents in such territory shall be commenced under the provisions of the Act. In case of such extension, if the Indian Penal Code shall not then apply to the said Settlement, the respondent's personal appearance pursuant to this Act may be enforced by such procedure as the said Governor, with such consent as aforesaid, shall provide in that behalf.

THE FIRST SCHEDULE.

Form of Petition.

Stamp Rs. two

To the Judge of the Civil Court of

The day of 18 .

The petition of A. B. of

Sheweth :—

1. That your Petitioner was born on or about the day of 18 .

2. That your Petitioner was on the day of in the year 18 lawfully married to C. D. at

3. That the said C. D. is now of the age of years or thereabouts.

4. That after his said marriage, your Petitioner lived and cohabited with his said wife at aforesaid until the day of 18 ; and that there are now living children, and no more, of such marriage, aged respectively and years.

5. That previous to the day of 18 your Petitioner changed his religion for Christianity, and that on such day he was baptised and became a member of the Church of

6. That on the day of 18 [*at least six months prior to the date of the petition*], the said C. D. deserted your Petitioner, and has not since resumed cohabitation with him.

7. That such desertion was solely in consequence of your Petitioner's said change of religion.

8. That there is no collusion nor connivance between your Petitioner and the said C. D.

Your Petitioner therefore prays that your Honour will order the said C. D. to live and cohabit with your Petitioner, or declare that your Petitioner's marriage is dissolved.

A. B.

Form of Verification.

I, A. B., the Petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

THE SECOND SCHEDULE.

Form of Citation in ordinary Cases.

To C. D. of

Whereas A. B. of claiming to have been lawfully married to you, the said C. D. has filed his [*or* her] petition against you in the Civil Court of alleging that you the said C. D. have deserted him [*or* her] for six months in consequence of his [*or* her] having changed his [*or* her] religion for Christianity, and praying that unless you consent to live and cohabit with him [*or* her] it may be declared that his [*or* her] marriage is dissolved: Now this is to command you that, at the expiration of days [*at least one month*] from the date of the service of this on you, you do appear in the said Court then and there to make answer to the said petition, a copy whereof, sealed with the seal of the said Court is herewith served upon you.

And take notice that in default of your so appearing, you will be liable to punishment under Section 174 of the Indian Penal Code.

Dated the day of 18 .

(Signed) E. F.

Judge of the Civil Court of

Indorsement to be made after service.

This citation was duly served by G. H. on the within named C. D. of at on the day of 18

(Signed) G. H.

THE THIRD SCHEDULE.

Form of Citation in case of Respondent exempt from appearance in Court.

To C. D. of

Whereas A. B. of claiming to have been lawfully married to you, the said C. D. has filed his [*or* her] petition against you in the Civil Court of alleging that you the said C. D. have deserted him [*or* her] for six months in consequence of his [*or* her] having changed his [*or* her] religion for Christianity, and praying that, unless you consent to cohabit with him [*or* her], it may be declared that his [*or* her] marriage is dissolved. Now this is to command you that, at the expiration of days [at least one month] from the service of this on you, you do hold yourself in readiness to answer and do answer such interrogatories as may be put to you by Commissioners duly authorized in that behalf under a Commission issued by this Court, in reference to the said petition, a copy whereof, sealed with the seal of the said Court, is herewith served upon you.

And take notice that in default of your so holding yourself in readiness and answering such interrogatories, you will be liable to punishment under Section 174 of the Indian Penal Code.

Dated the day of 18 .

(Signed) E. F.

Judge of the Civil Court of

Indorsement to be made after service.

This citation was duly served by G. H. on the within named C. D. of at on the day of 186

(Signed) G. H.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 26th January 1866, and was referred to a Select Committee, with instructions to make their report thereon in six weeks :—

THE INDIAN REGISTRATION ACT, 1866.

ARRANGEMENT OF SECTIONS.

PART I.

Preliminary.

SECTION.

1. Short Title.
2. Interpretation Clause.
3. Laws repealed.
4. Repeal of rules relating to the Registration of Assurances in certain Territories.
5. Power to invest Head Executive Officer of Territories under immediate administration of Government of India with authority vested by this Act in Local Governments.

PART II.

Of the Registration Establishment.

6. General Registry Office.
Branch General Registry Office.
7. Formation and alteration of Districts and Sub-Districts.
8. Establishment of Registry and Sub-Registry Offices.
9. Appointment of Registrars and Sub-Registrars.
10. Registrar of a Presidency Town may act as Sub-Registrar.
11. Appointment of Deputy Registrar General to perform duties of Registrar General, under Sections 32 and 73 of this Act during his absence on duty.
12. Provision for cases of absence of Registrars or vacancy in the office.
13. Provision for cases of absence of Sub-Registrars or vacancy in the office.
14. Remuneration and Establishments of Registry Officers.
15. Seals of Registering Officers.
16. Registry Books.
Forms.
Fire-proof boxes.

PART III.

Of registrable Documents.

17. Instruments of which the registration is compulsory.
Proviso as to leases in Madras.
And as to shares and debentures.
18. Documents of which the registration is optional.
19. Documents containing interlineations, erasures or alterations.
20. Description of parcels in Instruments relating to immoveables.
21. Documents in language not understood by Registering Officer.

PART IV.

Of the Time of Registration.

22. Time for registering instruments of which the registration is compulsory.

SECTION.

23 Time for registering documents of which the registration is optional.
24. Provision where delay in registering is unavoidable.
25. Provision for last day of period for registration falling on a holiday.
26. Wills or authorities to adopt may be registered at any time.
27. Alteration of Act No. XIV of 1859, Section 1, Clause 10.
28. Saving of time prescribed by Statute for registration of Instruments.

PART V.

Of the Place of Registration.

29. Place for registering instruments relating to immoveables.
30. Place for registering other instruments.
31. Place for registering instruments affecting immoveable property situate in one or more than one District.
32. Registration by Registrar General of instruments referred to in Section 29.
33. Discretionary registration by Registrar.
34. Registration or acceptance for deposit at private residence.
Exception.

PART VI.

Of the Presentation of Instruments for Registry.

35. Presentation of Instruments for registration.
36. Powers of Attorney recognizable for purposes of Section 35.
Proviso as to persons exempt from appearing in Court.
37. Enquiry before registration by the Registering Officer.

PART VII

Of the Enforcement of Attendance of Executants and Witnesses.

38. Where attendance of necessary presenter or witness is desired.
39. Where such person is not within the District or Sub-District.
40. Law as to summonses, Commissions and witnesses in Civil suits to apply to summonses, Commissions and witnesses under this Act.

PART VIII.

Of the Registration of Memoranda of Decrees and Orders affecting immoveable Property and sent by the Court to a Registry Office.

41. Memorandum of decree affecting registered Instrument relating to immoveable property to be sent to the Office in which such Instrument shall have been registered.
42. Memorandum of decree affecting immoveable property to be sent to Registrar.
43. Costs of registration of memorandum of decrees and orders.

PART IX.

Of the Registration of Wills and Authorities to adopt.

44. Persons entitled to register Wills and authorities to adopt.
Presentation or delivery of Wills and authorities to adopt.
45. Withdrawal of sealed cover deposited under Section 44.
46. Proceedings on death of depositor.
Re-deposit.

PART X.

Of the Fees for Registration, Searches and Copies.

47. Fees for registration, searches and copies to be fixed by local Government.
Table of Fees.
48. Fees and penalties to be credited to Government.

PART XI.

Of the Effects of Registration and non-Registration.

SECTION.

49 Time from which registered document operates.
50. Effect of non-registration of documents required to be registered.
51. Priority of certain registered Instruments.
52. Registration doubles period of limitation in suits under a written contract for money lent, or interest, or breach of contract.

Special Registration of Obligations for Payment of Money.

53. Enforcement of obligation registered with agreement recorded that amount secured may be recovered summarily.

PART XII.

Of the Duties and Powers of Registering Officers.

(A) As to the Registry Books.

54. Registry Books to be kept in the several Offices.
55. Entries to be numbered consecutively.
56. Indexes to be kept.
57. Registered documents to be copied according to order of admission.
58. Registering Officers to allow inspection of certain Registry Books and to give certified copies of entries.

(B) As to the Procedure on admitting to Registration.

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60. Particulars to be endorsed on Instruments admitted to registration.
61. Such endorsement to be signed and authenticated.
62. And returned with a certificate showing number and page of book in which document has been registered.
63. Power to administer oaths.
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(C) Special Duties of Sub-Registrar.

64. Sub-Registrar to forward in duplicate abstracts of Instruments affecting immoveable property and registered in his Office.
65. Procedure on Sub-Registrar's registration of Instrument relating to immoveable property situate in one District but in more than one Sub-District.
66. Procedure on Sub-Registrar's registration of Instrument referring to immoveable property situate in several Districts.

(D) Special Duties of Registrar.

67. Registrar to forward to General Registry Office abstracts of Instruments affecting immoveable property and registered in his Office.
68. Filing in Registrar's Office of abstracts made by Sub-Registrar.
69. Procedure on registering instruments under Section 33.
70. Procedure on receipt of memorandum under Section 41.
Procedure on receipt of memorandum under Section 42.
71. Procedure on deposit of Wills or Authorities to adopt.

(E) Of the Registrar General.

72. Mode of registration by Registrar General.
73. Procedure on registration by Registrar General.
74. Filing in General Registry Office of abstracts of entries.

(F) Of the Controlling Powers of Registrars and Registrars General.

75. Registrar to superintend and control Sub-Registrars.
76. Powers of Registrar General.
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77. No appeal from order admitting to registration.

PART XIII.

Of Refusal to register.

SECTION

78. Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.
79 Registrar may alter or revise orders of Sub-Registrar refusing registration.
80. Procedure where Registrar refuses to register documents falling under Section 17 or Section 18, Clause 1, 2 or 3.
81 Registering Officer not to be liable for any thing *bonâ fide* done or refused in his official capacity.

PART XIV.

Miscellaneous.

82 Registry of Instruments executed by Government Officers or certain public functionaries.
83. Penalty for incorrectly copying, translating, abstracting, or registering documents with intent to injure.
84. Penalty for making false statements before Registering Officer.
85 Registers kept under former enactments to be transferred to Registrar of the District.
86. References to Act No. XVI of 1864 to be read as if made to this Act.
87 Commencement of Act in Bengal, Madras and Bombay.
Power to extend Act to other Territories.
Time for registering Instruments executed in such Territories before extension.

No. 3 OF 1866.

A Bill to amend Act No. XVI of 1864 (*to provide for the Registration of Assurances*).

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the Registration of Assurances; It is enacted as follows:—

PART I.

Preliminary.

Short Title.

1. This Act shall be called "The Indian Registration Act, 1866."

Interpretation clause.

2. In this Act—unless there be something repugnant in the subject or context—

"British India." "British India" denotes the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore and Malacca:

"Year" and "Month" denote a year or month respectively by the British Calendar.

"Section." "Section" denotes a Section of this Act:

"Lease." "Lease" includes a counterpart, a kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease.

"Will." "Will" includes a codicil and every writing making a voluntary posthumous disposition of property.

"Instrument." "Instrument" does not include a Will nor an authority to adopt.

"Immoveable Property." "Immoveable Property" includes land, rights to ways, lights, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth; but not standing timber, growing crops nor grass.

"Moveable Property." "Moveable Property" includes standing timber, growing crops, grass, fruit upon trees, and property of every other description, except immoveable property.

"Book." "Book" includes a portion of a Book and also any number of sheets connected together with a view of forming a Book or portion of a Book.

"Endorsement." "Endorsed" "Endorsement" and "Endorsed" include and apply to an entry in writing by a Registering Officer on a rider or covering-slip to any document tendered for registration under this Act.

"Representative." "Representative" includes the Committee of a lunatic and the manager of his estate.

"Oath." "Oath" includes a solemn affirmation.

"Person." "Person" includes any Company or association or body of persons whether incorporated or not.

Number. Gender. Words in the singular number include the plural; words in the plural number include the singular, and words importing the masculine gender include females;

"Local Government." And in any part of British India in which this Act operates, "Local Government" denotes the person or persons authorized by law to administer the Executive Government in such part: "High Court." "High Court" denotes the highest Civil Court of appeal therein: "District Court." "District Court" means the principal Civil Court of original jurisdiction in a District, and includes the High Court in its ordinary original Civil jurisdiction; and "Civil Court." "Civil Court" includes a Revenue Court, but not a Court for the relief of insolvent debtors.

"District" "Sub-district." "District" "and Sub-District" respectively mean a District and Sub-District formed under this Act.

Laws repealed.

3. Acts No. XVI of 1864 and No. IX of 1865 are hereby repealed, except in so far as the former Act rescinds other Acts or Regulations, and except as regards things duly done and penalties incurred under the Acts hereby repealed or either of them. And all things duly done under the same Act or either of them shall be considered as having been done under this Act.

Repeal of rules relating to the Registration of Assurances in certain Territories.

4. From the date on which this Act shall be extended as hereinafter provided to any part of British India in which the Acts herein before mentioned are not in force, all Rules and Regulations relating to the Registration of Assurances in force in such part of British India shall cease to have effect, except as regards documents duly registered under any of such Rules or Regulations.

Power to invest Head Executive Officer of Territories under immediate administration of Government of India with authority vested by this Act in local Governments.

5. It shall be lawful for the Governor-General of India in Council, by an order to be published in the *Gazette of India*, to declare that in any Territory under the immediate administration of the Government of India, the Head Executive Officer of such Territory shall exercise all or any of the powers vested by this Act in the local Governments; and thereupon such Officer shall, for the purposes of this Act, be the local Government of such Territory.

PART II.

Of the Registration Establishment.

General Registry Office.

6. The local Government shall establish within the Territories subject to such Government, at such place as it shall think fit, an Office to be called the General Registry Office, and shall appoint an Officer to the charge of such Office, who shall be the Registrar General of the Territories for which he is appointed. The local Government may also, with the previous sanction of the Governor-General of India in Council, establish a Branch General Registry Office and appoint a Branch Registrar General; and every act done by or before any Branch Registrar General so appointed shall have the same effect as if done by or before a Registrar General. Provided that such Branch Registrar General shall not exercise the power to frame rules conferred on the Registrar General by Section 76 of this Act. Any Registrar General or Branch Registrar General may hold simultaneously any other office under Government.

Branch General Registry Office.

Formation and alteration of Districts and Sub-Districts.

7. For the purposes of this Act the local Government shall form Districts and Sub-Districts, and shall prescribe and from time to time may alter the limits of such Districts and Sub-Districts. A Sub-District may be conterminous with a District, or may be situate partly in one District and partly in another.

Each of the Presidency Towns of Calcutta, Madras and Bombay shall for the purposes of this Act be formed into a District.

The Districts and Sub-Districts formed under this Section, together with the limits thereof, and every alteration of such limits shall be notified by the local Government in the Official Gazette immediately after every such formation or alteration. Every such alteration shall take effect immediately after such notification.

Establishment of Registry and Sub-Registry Offices.

8. The local Government shall establish in every District an Office to be styled the Registry Office, and in every Sub-District an Office to be styled the Sub-Registry Office.

Appointment of Registrars and Sub-Registrars.

9. The local Government may appoint such persons, whether Public Officers or not, as it may think proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-Districts formed as aforesaid respectively.

Registrar of a Presidency Town may act as Sub-Registrar.

10. In each of the Presidency Towns the Registrar may perform all the duties of a Sub-Registrar under this Act.

Appointment of Deputy Registrar General to perform duties of Registrar General under Sections 32, 73 and 74 of this Act during his absence on duty.

11. During the absence on duty of the Registrar General from the place where the General Registry Office is established, it shall be lawful for him to appoint the Registrar of such place, or, with the previous sanction of the local Government, such other person as he shall think fit, to perform the duties of the Registrar General under Sections 32, 73 and 74 of this Act. A Registrar so appointed shall perform such duties in addition to his own duties as Registrar. During such absence the Registrar or other person so appointed as aforesaid shall be styled the Deputy Registrar General, and may use the Seal of the Registrar General.

Provision for cases of absence of Registrars, or vacancy in the Office.

12. In case of the absence of any Registrar other than the Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, any person whom the Registrar General shall appoint in this behalf, or, in default of such appointment, the Judge of the District Court shall, during such absence or vacancy, be the Registrar. In case of the absence of the Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, it shall be lawful for the Registrar General to appoint any person whom he may think proper to conduct the duties of the Office of such Registrar.

Provision for cases of absence of Sub-Registrars, or vacancy in the Office.

13. In case of the absence of any Sub-Registrar, or of a vacancy occurring in the Office of any Sub-Registrar, any person whom the Registrar of the District shall appoint in this behalf shall, during such absence or vacancy, be Sub-Registrar.

Remuneration and establishments of Registry Officers.

14. It shall be lawful for the local Government, with the previous sanction of the Governor-General of India in Council, to assign such salaries as such Government may from time to time deem proper, to the Registrar General, Branch Registrar General, the Registrars, and the Sub-Registrars appointed under

this Act, or to provide for the remuneration of such Officers by fees, or partly by fees and partly by salaries. It shall also be lawful for the local Government, with the like sanction, to allow such establishments for the several Registry Offices as may be necessary for the purposes of this Act.

Seals of Registering Officers.

15. The Registrar General, Branch Registrar General, and the several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the local Government shall direct: "The seal of the Registrar General (or of the Branch Registrar General, or of the Registrar, or of the Sub-Registrar) of ."

Registry-Books.

16. The local Government shall provide for the Office of every Registering Officer such books as may be necessary for the purposes of this Act. The books so provided shall contain such forms as shall from time to time be prescribed by the Registrar General, with the sanction of the local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the Officer by whom such books shall be issued. The local Government shall further supply the Office of every Registrar with a fire-proof box.

Forms.

Fire-proof boxes.

PART III.

Of registrable Documents.

Instruments of which the registration is compulsory.

17. The Instruments next hereinafter mentioned shall be registered, provided the property to which they relate shall be situate in a District in which, and provided they shall have been executed on or after the date on which the said Act No. XVI of 1864 or this Act shall have come or shall come into operation (that is to say) :—

1. Instruments of gift of immoveable property:

2. Leases of immoveable property for any term exceeding one year:

3. Instruments (other than an instrument of gift or lease as aforesaid) which purport or operate to create, declare, assign, transfer, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent, of a value exceeding one hundred rupees in any immoveable property; and

4. Instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, transfer, limitation or extinction of any such right, title or interest—

Proviso as to leases in Madras.

Provided that this Section shall not apply to any lease executed between landlord and tenant relative to land in the Presidency of Madras liable to the payment of revenue to Government, but any such lease may be registered under Section 18, subject to the provisions of Sections 23 and 87: Provided also that this Section shall not apply to any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company shall consist in whole or in part of immoveable property, nor to any endorsement upon or transfer of any debenture issued by any such Company.

And as to shares and debentures.

Documents of which the registration is optional.

18. Any of the documents next hereinafter mentioned may be registered under this Act, (that is to say) :—

1. Any instrument which purports or operates to create, declare, assign, transfer, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of value equal to or less than one hundred rupees in immoveable property;

2. Any instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer or extinction of any such right, title or interest;

3. Any lease of immoveable property for a term not exceeding a year;

4. Any award relating to immoveable property;

5. Any instrument which purports or operates to create, declare, transfer or extinguish any right, title or interest in moveable property;

6. Any Will or Authority to adopt a son;

7. Any Acknowledgment, Agreement, Articles of Partnership, Appointment, Assent, Award, Assignment, Bill of Exchange, Bill of Sale, Bond, Conditions of Sale, Confirmation, Contract, Copies of Decrees, Covenant, Disclaimer, Extension of Term of Partnership, Grant, Instrument of Composition, Instrument of Dissolution of Partnership, Instrument of Partition, Lease, Map, Marriage Certificate, Plan, Power of Attorney, Promissory Note, Release, Settlement, Survey, Surrender, Writing of Divorcement, and any other document not hereinbefore mentioned.

Documents containing interlineations, erasures or alterations.

19. No document shall be accepted for registration if any interlineation, erasure or alteration shall appear thereon, unless the persons executing the same shall attest with their signatures, initials or marks such interlineation, erasure, or alteration, and it shall be the duty of the Officer registering such instrument, at the time of registering it, to make a note in the Register of such interlineation, erasure or alteration.

Description of parcels in instruments relating to immoveables.

20. No instrument relating to immoveable property shall be accepted for registration unless it shall contain a description of such property sufficient, in the opinion of the Registering Officer, to identify the same. Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being

in the District and Sub-District in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

Documents in language not understood by Registering Officer.

21. If any document presented for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a copy and a translation into a language commonly used in the District; and such translation shall be registered and such copy shall be filed in his Office; and for the purpose of making the other copies and the abstracts required by this Act, the translation shall be treated as if it were the original.

PART IV.

Of the Time of Registration.

Time for registering instruments of which the registration is compulsory.

22. Subject to the provision contained in Section 24 of this Act, no instrument of the descriptions mentioned in Section 17, Clauses 1, 2, 3 and 4, shall be accepted for registration unless presented for that purpose to the proper Officer within four months from the date of its execution: provided that where there are several persons executing it at different times, the instrument may be presented for registration and re-registration within four months from the date of each execution.

Time for registering documents of which the registration is optional.

23. Subject to the provision contained in Section 24 of this Act, no document of any of the descriptions mentioned in Section 18 (other than a Will or Authority to adopt a son), shall be accepted for registration unless presented for that purpose to the proper Officer within two months from the date of its execution: provided that where there are several persons executing it at different times, the document may be presented for registration and re-registration within two months from the date of each execution.

Provision where delay in registering is unavoidable.

24. If any such document shall, owing to urgent necessity or unavoidable accident, not have been presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, it shall be lawful for the Registrar of the District, in cases where the delay in presentation shall not exceed six months, to direct that on payment as a penalty of four times the amount of the proper registration fee, such instrument shall be accepted for registration.

Provision for last day of period for registration falling on a holiday.

25. Whenever the last day of any period hereinbefore provided for the registration of any document shall fall on a Sunday or other holiday authorized as hereinafter mentioned, such last day shall, for the purposes of this Act, be deemed to be the day immediately following such Sunday or other holiday.

Wills or Authorities to adopt may be registered at any time.

26. Any Will or Authority to adopt a son may at any time be registered in manner hereinafter provided.

Alteration of Act No. XIV of 1859, Section 1, Clause 10.

27. In Act No. XIV of 1859, Section 1, Clause 10, the last Clause shall be read as if for the words 'within six months from the date thereof' the words 'within the time prescribed' in that behalf by "The Indian Registration Act, 1866", were substituted.

Saving of time prescribed by Statute for registration of instruments.

28. Nothing in this Act shall be taken to alter the time within which any certificate or other document must be registered under the provisions of "The Bankrupt Law Consolidation Act, 1849", Section 143, or any other Statute.

PART V.

Of the Place of Registration.

Place for registering instruments relating to immoveables.

29. Save as in this Act otherwise provided, every instrument mentioned in Section 17, Clauses 1, 2, 3 and 4, and Section 18, Clauses 1, 2, 3, and 4, shall be presented for registration in the Office of the Sub-Registrar within whose Sub-District the property to which such instrument relates is situate.

Place for registering other instruments.

30. Every instrument other than an instrument referred to in the last preceding Section, may be presented for registration in the Office of the Sub-Registrar within whose jurisdiction such instrument is executed, or at any Registrar's Office under the same local Government, at which the persons presenting such instrument shall desire it to be registered.

Place for registering instruments affecting immoveable property situate in one or more than one District.

31. Every instrument affecting immoveable property situate in one or in more than one District, may be presented for registration to any Sub-Registrar within whose Sub-District any part of such property is situate.

Registration by Registrar General of instruments referred to in Section 29.

32. The Registrar General may in his discretion receive and register any instrument referred to in Section 29, without regard to the situation in any part of British India of the property to which the instrument relates.

Discretionary registration by Registrar.

33. Any Registrar may in his discretion receive and register any instrument referred to in Section 29 which might be registered by any Sub-Registrar in his District. He shall also register Wills and Authorities to adopt.

34. In ordinary cases the registration or deposit of documents under this Act shall be made only at the public Office of the Officer whose duty it shall be to register the same: but any such Officer may on special cause being shown attend at the place of residence of any person intending to register any document, or of any person desiring to deposit a Will or Authority to adopt a son, and register or accept for registration or deposit such document, Will or Authority. Every Sub-Registrar so attending shall within twenty-four hours report to the Registrar to whom he is subordinate the fact of the attendance and his reason therefor.

Registration or acceptance for deposit at private residence.

Exception.

PART VI.

Of the Presentation of Instruments for Registry.

35. Every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the Office in which such document is to be registered, by some person executing or claiming under the same, or by the representives or assigns of such person, or by the agents of such person, representatives or assigns, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

Presentation of instruments for registration.

36. For the purposes of the last preceding Section, the powers of attorney next hereinafter mentioned shall alone be recognized, (that is to say)—

Powers of attorney recognizable for purposes of Section 35.

(*a*) If the principal at the time of executing the power of attorney reside in any part of British India in which this Act operates, a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District the principal resides:

(*b*.) If the principal at the time aforesaid reside in any other part of British India, a power of attorney executed before and authenticated by the Judge of the principal Court of original Civil jurisdiction within the local limits of whose jurisdiction the principal resides:

(*c*.) If the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public or any Court, Judge, Consul or Magistrate:

Any power of attorney mentioned in this Section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

Provided that persons exempt by law from personal appearance in Court, shall not be required to attend at the Office of the Registrar or Sub-Registrar, or in the Court of the Judge for the purpose of executing any such power of attorney as mentioned in Clauses (*a*) and (*b*) of this Section; but in every such case the Registrar or Sub-Registrar or Judge (as the case may be), if satisfied that the power of attorney has been been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the Office or Court aforesaid. To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge may either himself go to the house of the person purporting to be the principal and examine him, or issue a Commission for the examination of such person.

Proviso as to persons exempt from appearing in Court.

37. On the persons executing any document, or their representatives, assigns or agents, authorized as aforesaid, appearing before the Registering Officer for the purpose of obtaining the registration of such document, he shall enquire whether such document was executed or not by the persons by whom it purports to have been executed, and satisfy himself of the right of any person to appear as the representative, assign or agent of any person whom he shall claim to represent. If all the persons executing the document appear personally before the Registering Officer and are personally known to him, or, in case they are not personally known to him, if they satisfy him that they are the persons they represent themselves to be, and if they all admit the execution of the document, and, in the case of any person appearing by authorized agent, if such agent shall admit the execution of the document, the Registering Officer shall register the same. The Registering Officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one then present in his Office. Such examination may, if he shall think fit, be upon oath.

Enquiry before registration by the Registering Officer.

PART VII.

Of the Enforcement of Attendance of Executants and Witnesses.

38. If any person presenting any instrument for registration shall desire the attendance of any person required to attend on the presentation of the instrument or any person whose testimony is necessary for the registration of such instrument by a Registering Officer, such Officer may in his discretion, and if the person whose attendance is so desired shall be within his District or Sub-District, issue a summons requiring him to attend at the Office of such Officer at a time named in such summons. Provided that persons exempt by law from personal appearance in Court shall not be required to attend at the Office, but in every such case, the registering Officer shall either himself go to the house of such person and examine him, or order a Commission to issue for his examination.

Where attendance of necessary presenter or witness is desired.

39. If the person whose attendance is so required is not within the District or Sub-District of the Registering Officer, such Officer may forward a summons to the Registering Officer in whose jurisdiction such person resides, and the Officer last hereinbefore mentioned shall cause such summons to be served upon the person whose attendance is required as aforesaid.

Where such person is not within the District or Sub-District.

40. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

Law as to summonses, commissions and witnesses in civil suits to apply to summonses, commissions and witnesses under this Act.

PART VIII.

Of the Registration of Memoranda of Decrees and Orders affecting Immoveable Property and sent by the Court to a Registry Office.

41. When any Civil Court shall by a decree or order declare any instrument relating to immoveable property, which shall have been registered under this Act, to be invalid, or when any Civil Court shall pass a decree or order affecting any such instrument, and such last mentioned decree or order shall create, declare, assign, transfer, limit or extinguish any right, title or interest under such instrument in the immoveable property to which it relates, such Court shall cause a memorandum of the decree or order to be sent to every Registrar within whose District such immoveable property or any part thereof is situate.

Memorandum of decree affecting registered instrument relating to immoveable property to be sent to the Office in which such instrument shall have been registered.

42. When any Civil Court shall, by a decree or order, create, declare, transfer, limit or extinguish any right, title or interest of any person in any immoveable property situate in any part of British India in which this Act shall operate, such Court shall cause a memorandum of the said decree or order to be sent to every Registrar within whose District such immoveable property or any part thereof is situate.

Memorandum of decree affecting immoveable property to be sent to Registrar.

43. The costs of and attending the registration under Sections 41 and 42, of any memorandum of a decree or order shall be costs in the cause, and shall be paid by the Court to such person and in such way as the local Government shall direct in that behalf.

Costs of registration of memorandum of decrees and orders.

PART IX.

Of the Registration of Wills and Authorities to adopt.

44. The testator, or any person claiming as executor or otherwise under a Will, may register any Will, and the donor or donee of any authority to adopt, or the adoptive son, may register any such authority. Any person entitled to register any such Will or authority may either personally or by a duly authorized agent present to a Registrar such Will or authority open, and any testator or donor of such authority may deliver to a Registrar the Will or authority in a sealed cover superscribed with the name of the depositor and the nature of the document.

Persons entitled to register Wills and Authorities to adopt.

Presentation or delivery of Wills and Authorities to adopt.

45. If the depositor of any such sealed cover shall wish to withdraw the same, it shall be lawful for him to apply to the Registrar in whose Office such document shall have been deposited, that the same be delivered up to him; and the Registrar, if satisfied as to the identity of the depositor with the applicant, shall deliver up the cover accordingly.

Withdrawal of sealed cover deposited under Section 44.

46. If on the death of the depositor of a sealed cover under Section 44, application be made to the Registrar in whose Office such cover was deposited to open the same, the Registrar, after satisfying himself that the depositor is dead, shall, in the presence of the person making such application, open the cover, and shall copy, at the expense of the applicant, the contents thereof, of in a Register of Wills and authorities to adopt. When such copy shall have been entered, the Registrar shall re-deposit the original Will or authority until required to produce the same in Court.

Proceedings on death of depositor.

Re-deposit.

PART X.

Of the Fees for Registration, Searches and Copies.

47. Subject to the approval of the Governor-General of India in Council, the local Government shall prepare a Table of Fees payable—

Fees for registration, searches and copies to be fixed by local Government.

For the registration of documents:

For searching the Registers:

For making or granting copies of entries, abstracts or documents, either on or after registration;

And of extra or additional fees payable—

For every registration by a Registrar General under Section 32; or by a Registrar under Section 30 or 33;

For special registration under Section 53;

For the issue of Commissions;

For filing translations;

For attending at private residences;

And for such other matters as shall to the local Government appear necessary to effect the purposes of this Act.

The local Government may from time to time, subject to the like approval, alter such Table. A Table of the Fees so payable shall be published in the Official Gazette, and shall be exposed to public view in every Office established for the registration of documents, and no document shall be accepted for registration, and no copy shall be granted, and no search shall be made or allowed until the fee prescribed in that behalf shall have been paid.

Table of fees.

48. All fees received under the provisions of this Act (not being fees payable under Section 14 of this Act to Officers who are paid wholly or in part by fees), and all penalties received under Section 24 of this Act shall be remitted to such Treasury as the local Government shall from time to time direct, and be credited to Government.

Fees and penalties to be credited to Government.

PART XI.

Of the Effects of Registration and Non-registration.

49. A registered document shall operate from the time from which it would have commenced to operate if no registration had been required or made, and not from the time of its registration.

Time from which registered document operates

50. No instrument required by Section 17 to be registered shall be received in evidence in any Civil proceeding in any Court, or shall be acted on by any Public Officer as defined in the Indian Penal Code, unless it shall have been registered in accordance with the provisions of this Act.

Effect of non-registration of documents required to be registered.

51. Every instrument of the descriptions mentioned in Clauses 1, 2 and 3 of Section 18 shall, if duly registered, have priority to any other instrument relating to the same property, whether such other instrument be of the same nature as the registered instrument or not.

Priority of certain registered instruments.

52. Suits to recover money lent, or interest, or for the breach of any contract may be brought within six years from the time when the cause of suit arose, in every case in which there is an engagement or contract in writing, provided that such engagement or contract be duly registered under this Act.

Registration doubles period of limitation in suits under a written contract for money lent or interest or breach of contract.

Special Registration of Obligations for Payment of Money.

53. Whenever the obligor and obligee of an obligation for the payment of money shall at the time of registering the same under the provisions of this Act apply to the Registering Officer to record their agreement, that in the event of the obligation not being duly satisfied, the amount may be recovered as hereinafter provided, the Registering Officer, after making such enquiries as he may think proper, shall record such agreement at the foot of the endorsement and certificate required by Sections 60 and 62, and such record shall be signed by him and by the obligor and obligee of the obligation and shall be copied into the Register Book No. 3. Every such obligation may be enforced summarily by any Court which would have had jurisdiction to try a regular suit thereon for the recovery of the amount: Provided that the application for the enforcement of the same be made within one year from the date on which the amount becomes payable, or where the amount is payable by instalments, within one year from the date on which the last instalment becomes payable. The obligation shall be enforced as a decree in a suit under the rules applicable to the execution of decrees in the Court in which the application for enforcement is made, but subject to any provisions contained in any law for the time being in force, in relation to the summary enforcement of obligations registered with such agreement as aforesaid. The application for the enforcement of an obligation under this Section shall be written on a stamp paper of one-fourth the value prescribed by law for a plaint in a suit to recover the same amount: Provided that nothing herein contained shall be construed as giving any right to a summary decree for foreclosure or sale in case of immoveables.

Enforcement of obligation registered with agreement recorded, that amount secured may be recovered summarily.

PART XII.

Of the Duties and Powers of Registering Officers.

(*A*) *As to the Registry Books.*

54. The following Books shall be kept in the several Offices hereinafter named (that is to say):—

Registry Books to be kept in the several Offices.

In all Registry Offices :—

Book 1.—"Register of instruments affecting immoveable property,"

Book 2.—"Register of Decrees and Orders of Court affecting immoveable property,"

Book 3.—"Register of deposits of Wills and Authorities to adopt," and

Book 4.—"Register of Wills and Authorities to adopt:"

In the Offices of all Registrars and Sub-Registrars :—

Book 5.—"Register of instruments specially registered under Section 53,"

Book 6.—"Miscellaneous Register,"

Book 7.—"Record of Powers of Attorney," and

Book 8.—"Record of reasons for refusal to register:"

In the Offices of the Registrar General and all Registrars :—

Book 9.—"Register of Abstracts."

In Book 1 shall be entered all documents registered under Section 17 and the first four Clauses of Section 18. In Book 2 shall be entered all Memoranda of Decrees and Orders of Court registered under Section 42 of this Act. In Book 5 shall be entered all instruments specially registered under Section 53, whether such instruments have also been entered in Book 1 or not. In Book 6 shall be entered all documents registered under Clauses 5 and 7 of Section 18, and not entered in Book 5. In Book 7 shall be entered an abstract of every power of attorney attested before the Registering Officer as provided in Section 36. In Book 9 shall be entered abstracts mentioned in Sections 66, 73, 74.

55. All entries shall be numbered in a consecutive series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered consecutively.

56. Two indexes shall be prepared in each Office for each year, one containing the names and descriptions of all persons executing and also the names (if any) and descriptions of all persons claiming under every document registered in the Office during that year, and the other, in the case of immoveable property, containing the name of the village or place where the property is situate, together with a description of the property and its name, (if any) and such other particulars and in such form as the Registrar General shall from time to time prescribe under Section 76.

Indexes to be kept.

57. Every document shall be dated on presentation and on being admitted to registration shall be copied in the book appropriated therefor under the provisions herein contained, according to the order of its admission.

Registered documents to be copied according to order of admission.

58. Subject to the previous payment of such fees as may be payable in that behalf, the Registry Books Nos. 1, 2 and 4 shall be at all times open to inspection by any person applying to inspect the same, and copies of any entry in such Registry Books shall be given, certified by the Registering Officer, to all persons applying for such copies. Copies of entries in Registry Books Nos. 3, 5 and 6, certified as aforesaid, shall be given to any person executing or claiming under the documents to which the entries respectively refer; but the requisite search for such entries shall be made only by the Registering Officer. All such copies when certified as aforesaid shall be *primâ facie* evidence of the contents of the entries of which they have respectively been made.

Registering Officers to allow inspection of certain Registry Books and to give certified copies of entries.

(B.)—As to the Procedure on admitting to Registration.

59. The Registering Officer shall enter in the Registry Book the name and address in full of every person whom he may examine pursuant to this Act, and may also, when the statements made before him are conflicting, record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he shall admit the correctness of such note, it shall be signed by the Registering Officer.

Entries to be made as to persons examined.

Record of conflicting statements.

60. On every document admitted to registration, there shall be endorsed the following particulars, (that is to say)—

Particulars to be endorsed on documents admitted to registration.

1. The day, hour and place of presentation:

2. The names in full of the persons executing the document: and if it shall have been presented by the representatives, assigns or agents of any persons, the names of such representatives, assigns or agents:

3. The name and address in full of every, person who may have been examined in reference to such document under any of the provisions of this Act; and

4. Any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt of consideration made in his presence in reference to such execution.

61 The endorsement mentioned in the last preceding Section shall be signed by every person executing the document, or by his representative or assign, or by his agent, and shall be authenticated by the seal and signature of the Registering Officer.

Such endorsement to be signed and authenticated,

62. After the provisions of Sections 57, 60 and 61 shall have been complied with, the document shall be returned to the person who shall have presented the same for registration, or to such other person (if any) as he shall, in presence of the Registering Officer, have nominated in writing in that behalf, with a certificate containing the number and page of the book in which the document shall have been registered. Such certificate shall be *primâ facie* evidence that the document has been duly registered in manner provided by this Act and that the facts mentioned in the certificate have occurred as therein mentioned. Provided that registrations *bonâ fide* made by any Registering Officer shall not be deemed invalid merely by reason of defect or irregularity in the appointment of or in the procedure followed by such Officer.

And returned with a certificate showing number and page of book in which document has been registered.

63. It shall be lawful for every Registering Officer at his discretion to administer an oath to any person examined by him under the provisions of this Act; and it shall not be necessary for such Officer to take down, read over or sign the evidence of any such person otherwise than is expressly provided by this Act.

Power to administer oaths.

Provision as to evidence.

(C) Special Duties of Sub-Registrar.

64. An abstract of every original instrument affecting immoveable property registered in the Office of any Sub-Registrar, shall, with a copy of the certificate under Section 62, be forwarded in duplicate within seven days from the date of registration to the Registrar to whom he is subordinate.

Sub-Registrar to forward in duplicate abstracts of instruments affecting immoveable property and registered in his Office.

65. Every Sub-Registrar on registering a document relating to immoveable property which, though situate in one District, is not wholly situate in his own Sub-District, shall forward a copy thereof, and of the endorsement and certificate thereon to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate; and every such Sub-Registrar shall register an abstract of the same in his Book No. 1, and file the copy in his Office.

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in one District, but in more than one Sub-District.

66. Every Sub-Registrar on registering any instrument which refers to immoveable property situate in more Districts than one, shall forward a copy thereof and of the endorsement and certificate thereon to the Registrar of every District in which any part of such property is situate other than the District in which his own Sub-District is situate. The Registrar on receiving the copy shall register an abstract thereof in his Book No. 9, and forward copies to the Sub-Registrars subordinate to him within whose Sub-District any part of such property is situate; and every Sub-Registrar receiving such copy shall register an abstract of the same in his Book No. 1, and file the copy in his Office.

Procedure on Sub-Registrars' registration of instrument referring to immoveable property situate in several Districts.

(*D.*) *Special Duties of Registrar.*

67. An abstract of every original instrument affecting immoveable property registered in the Office of any Registrar, shall, with a copy of the certificate under Section 62, be forwarded by the Registrar within seven days to the General Registry Office.

Registrar to forward to General Registry Office abstracts of instruments affecting immoveable property and registered in his Office.

68. On the receipt in a Registrar's Office of the duplicate abstracts made by any Sub-Registrar, one such duplicate shall be filed in such Office, and the other shall be forwarded to the General Registry Office.

Filing in Registrar's Office of abstracts made by Sub-Registrar.

69. On registering any instrument under Section 33 of this Act, the Registrar shall forward a copy of such instrument to each Sub-Registrar subordinate to himself and to any other Registrar in whose Sub-District or District, as the case may be, any part of such property is situate; and such Sub-Registrar or Registrar, on receiving the copy, shall follow the procedure prescribed for him respectively in Section 66.

Procedure on registering instruments under Section 33.

70. Every memorandum received under Section 41 shall be copied in the margin of the part of the book in which the document affected by such memorandum is registered: and the Registrar shall send a copy of such memorandum to the Registrar General and to every Sub-Registrar in his District in whose Office the said document or any abstract thereof is registered, who shall make a similar entry in the margin of the abstract or copy registered in his Office. Every memorandum received by a Registrar under Section 42 of this Act shall be copied by him in his Registry Book No. 2, and he shall send the memorandum to the Registrar General and a copy thereof to every Sub-Registrar subordinate to himself in whose Sub-District any part of such property may be situate, and the Registrar General and every such Sub-Registrar respectively shall copy it in his Registry Book No. 2.

Procedure on receipt of memorandum under Section 41.

Procedure on receipt of memorandum under Section 42.

71. On accepting for deposit a sealed cover under Section 44, the Registrar shall transcribe in his Registry Book No. 3 the superscription on such sealed cover and note in the Register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover. The Registrar shall then place and retain the sealed cover in his fire-proof box.

Procedure on deposit of Wills or Authorities to adopt.

(*E.*) *Of the Registrar General.*

72. In registering any instrument under Section 32 of this Act, the Registrar General shall follow the mode of registration herein prescribed for the registration of documents presented in the first instance to a Registrar or a Sub-Registrar.

Mode of registration by Registrar General.

73. The Registrar General, on any such instrument being registered in his Office under Section 32 of this Act, shall forward to every Registrar within whose District any part of the property to which the instrument relates is situated, a copy of such instrument and of the endorsement and certificate thereon, and the Registrar receiving such copy shall register an abstract of the same and shall forward a copy of the instrument and of the endorsement and certificate aforesaid to each Sub-Registrar in his District within whose Sub-District any part of such property is situate; and every Sub-Registrar who shall receive such copy shall file the same in his Office and register an abstract thereof in his Book No. 1.

Procedure on registration by Registrar General.

74. On the receipt in the Registrar General's Office of the abstract of any entry made in any Register, the same shall be filed in such Office.

Filing in General Registry Office of abstracts of entries.

(*F.*) *Of the Controlling Powers of Registrars and Registrars General.*

75. Every Sub-Registrar shall perform the duties of his Office under the superintendence and control of the Registrar in whose District the Office of such Sub-Registrar shall be situate; and every Re-

Registrar to superintend and control Sub-Registrars.

gistrar shall have authority to issue (whether on complaint or otherwise) any order he may consider necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the Book or the Office in which any document shall have been registered.

Powers of Registrar General.

Power to frame rules.

76. The Registrar General shall exercise a general superintendence over all the Registry Offices in the Territories administered by the local Government, and shall have power from time to time to frame rules not inconsistent with the terms of this Act, for the guidance of the Registrars and Sub-Registrars under him—

For regulating the proceedings of these Officers;

For providing for the safe custody of books, papers, and documents, and also for the destruction of such books, papers, and documents, as it may be deemed to be no longer necessary to keep;

For regulating the languages in which and the materials on, in, and with which documents presented for registration are to be written or printed, the size of such documents and the extent of blank space to be left thereon;

For declaring the holidays that shall be observed in the Registry Offices.

The rules so framed shall be submitted to the local Government for approval, and after they shall have been approved, they shall be published in the Official Gazette, and shall have the same force as if they were inserted in this Act.

No appeal from order admitting to registration.

77. No appeal shall lie from an order admitting a document to registration.

PART XIII.

Of Refusal to register.

Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.

78. Every Registrar or Sub-Registrar who shall refuse to register a document, and every Registrar who shall refuse to order a document to be registered, shall record his reasons for so refusing, and endorse the words "Registration refused" on the document; and on application made by any person executing or claiming under the document and on his furnishing a stamped paper of the value of eight annas, shall give him a copy of the reasons so recorded. No Registering Officer shall accept for registration a document so endorsed unless and until an appeal shall have been presented under the provisions herein contained and decided in favour of the appellant.

Registrar may alter or revise orders of Sub-Registrar refusing registration.

79. An appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate if presented to such Registrar within thirty days from the date of the order, and the Registrar may alter or revise such order: Provided that whenever the Registrar shall himself as Sub-Registrar have passed the order appealed against, the appeals hall lie to the Registrar General.

Procedure where Registrar refuses to register documents falling under Section 17 or Section 18, Clause 1, 2 or 3.

80. If a Registrar shall refuse to register any document falling within the provisions of Section 17, Clauses 1, 2, 3 and 4 or Section 18, Clauses 1, 2, 3 and 4, or if he shall on appeal refuse to direct the registration of such document, it shall be lawful for any person claiming thereunder to institute in the District Court, within thirty days after such refusal, a regular suit to which the said Registrar may be a party, in order to establish his right to have such document registered, and the document shall be admissible in evidence on the hearing of such suit. The Court may, if it shall think proper, and if the requirements of the law for the time being in force have been complied with so as to entitle the document to registration, order such Registrar to register the document, or direct its registration in the proper manner, and he shall thereupon obey such order, and the registration pursuant to such order shall take effect as if the document had been duly registered when it was presented for registration to the Officer so refusing as aforesaid. The plaint in any suit instituted under this Section shall bear a stamp of the value of eight annas.

Registering Officer not to be liable for anything *bonâ fide* done or refused in his official capacity.

81. Nothing contained in this Act shall be construed as rendering a Registering Officer liable to any suit or any claim or demand by reason of any thing *bonâ fide* done or refused in his official capacity.

PART XIV.

Miscellaneous.

Registry of instruments executed by Government Officers or certain public functionaries.

82. Notwithstanding anything herein contained, it shall not be necessary for any Officer of Government, or for the Administrator General of Bengal, Madras, or Bombay, or for any Official Trustee, or for the Receiver or Registrar of a High Court, to appear on the presentation in any Registry Office of any instrument executed by him in his official capacity, or to sign the endorsement mentioned in Section 61; but when any instrument is so executed, the Registering Officer to whom such instrument is presented for registration, may, if he think fit, refer to any Secretary of Government, or to such Officer of Government, Administrator General, Official Trustee, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Penalty for incorrectly copying, translating, abstracting or registering documents with intent to injure.

83. Every Registering Officer appointed under this Act and every person employed in his Office for the purposes of this Act, who, being charged with the copying, translating, ab-

stracting or registering of any document presented or deposited under the provisions of this Act, shall copy, translate, abstract or register such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury as defined in the Indian Penal Code to any person, shall be punished with imprisonment of either description, as defined in such Code, for a term which may extend to three years, or with fine, or with both.

Penalty for making false statements before Registering Officer.

84. Whoever shall wilfully make any false statement in any deposition or declaration before any Officer acting in execution of this Act, in any proceeding or enquiry under the 37th or any other Section of this Act, shall be deemed to have committed the offence defined in Section 199 of the Indian Penal Code, whether such statement shall have been made upon oath or not.

Registers kept under former enactments to be transferred to Registrar of the District.

85. All Registry Books kept under the said Act No. XVI of 1864 or any Act or Regulation repealed thereby, shall be transferred to the Registrar of the District in which they are now preserved, and all rules contained in or made pursuant to this Act shall, so far as they may be applicable, apply to the books so transferred as aforesaid.

References to Act No. XVI of 1864 to be read as if made to this Act.

86. All references to the said Act No. XVI of 1864 in Acts passed previous to the date of this Act coming into operation shall be read as if made to this Act.

Commencement of Act in Bengal, Madras and Bombay.

87. This Act shall come into operation on the first day of July 1866 in the Presidencies of Bengal, Madras and Bombay. This Act may be extended to any other part of British India by an order of the local Government, to be notified in the Official Gazette; and no instrument of the descriptions mentioned in Sections 17 and 18 of this Act, which shall have been executed in any such part before the date on which this Act shall come into operation therein, shall be accepted for registration, unless it be presented for registration within twelve months from such date.

Power to extend Act to other Territories.

Time for registering instruments executed in such Territories before extension.

STATEMENT OF OBJECTS AND REASONS.

This Bill repeals and re-enacts the law relating to the Registration of Assurances contained in Act XVI of 1864 and Act IX of 1865, with such alterations and additions as a year's experience has shown to be absolutely necessary or highly desirable, in order to clear up the doubts and remove the difficulties which have been felt in working the existing law.

The more important of these alterations and additions will be conveniently mentioned under the different Titles into which the law has been distributed.

In PART I, *Preliminary*, several definitions have been added. "Lease," for instance, is defined as including a counter-part, a kabuliyat, an agreement to lease: this will prevent any doubt as to the registrability of such documents. "Representative" is defined to include the committee of a lunatic and the manager of his estate: this will meet the difficulty which has arisen in the case, where a person has become a lunatic between the date of executing an instrument and that of presenting it for registration. Lastly, "Civil Court" is defined as including Revenue Court, but as excluding a Court for the relief of insolvent debtors. The object of this exclusion is to relieve an insolvent Court on making a vesting order from the necessity of sending a memorandum of it to an office, the situation of which cannot in general be then determined.

PART II.—*Of the Registration Establishment.*—The principal addition made to the law on this head consists in empowering the Local Government, with the previous sanction of the Governor-General of India, to establish a Branch General Registry Office. The head of such Office is to have all the powers of a Registrar General, excepting his power to frame rules.

PART III.—*Of Registrable Documents.*—Endorsements upon and transfers of debentures issued by Land Companies have, like shares in such Companies, been exempted from compulsory registration, and awards relating to immoveable property have been expressly added to those of which the registration is optional. Words have also been added providing, practically, for the optional registration of every document likely to be met with in Indian practice. Much difficulty has arisen from the frequent imperfection of the descriptions of parcels in instruments relating to immoveable property. The Bill accordingly provides that no such instrument shall be accepted for registration unless it contains a description of the property sufficient in the opinion of the Registering Officer to identify the same. The Bill also gives directions for the framing of such descriptions. As to documents in languages not understood by the Registering Officer, the provisions of the Act have been somewhat modified. Under the Bill, the Registering Officer may refuse to register the instrument unless it be accompanied by a copy and a translation into the language commonly used in the District. The copy will be filed and the translation registered; and for the purpose of making the copies and abstracts required by the other parts of the Bill, the translation will be treated as if it were the original.

PART IV.—*Of the Time of Registration.*—The Bill provides for the case, left unnoticed in the present enactments, of an instrument being executed by several persons at different times, and, in cases where delay in presentation is unavoidable, enables the acceptance of the document. The Registrar, who will generally be the Collector or Judge, or some Officer of experience, may accept the document, on payment of a penalty, provided the delay does not exceed six months. This will enable him to mitigate the hardships which now occasionally result from non-registration owing to such unavoidable accidents as sudden departure to England from sickness. Provision is also made where the last day of the period fixed for registration falls on a holiday. And a Section

has been introduced, saving the time prescribed by Statute for the registration of the certificate of a creditor's assignee and other documents.

PART V.—*Of the place of Registration.*—A discretionary power is here given to a Registrar (as the District Registrar is called in the Bill) to receive and register instruments relating to immoveables which might be registered by any Sub-Registrar (the Deputy Registrar) in his district.

PART VI.—*Of the presentation Of instruments for registry,* and PART VII.—*Of the enforcement of attendance of executants and witnesses.*—Every document to be registered is to be presented by some person executing *or claiming* under it, or by his representative, assign, or agent; but all the persons executing the instrument or their representatives, assigns, or duly authorized agents, are, as at present, to appear before the Registering Officer, and admit execution. The Registering Officer may examine any one then present in his Office, and such examination may, if he pleases, be upon oath. Any person presenting (not "any party to") an instrument is enabled to procure the attendance of any other person required to attend on presentation, or whose testimony is necessary for the registration of the instrument. The power of attorney required to authorize a person to present a document for a principal residing out of British India is to be executed before, and authenticated by, a Notary Public, or any Court, Judge, Consul or Magistrate; and every power of attorney authorizing a person to present a document may, as in the Civil Courts, be proved by its production when it purports on its face to have been duly executed and authenticated.

PART VIII.—*Of the Registration of Memoranda of decrees and orders affecting immoveable property and sent by the Court to the Office.*—These memoranda are to be sent to every Registrar within whose district any part of the property is situate; and the costs of their registration are to be costs in the cause.

PART IX relates to the registration of Wills and authorities to adopt. As to the persons entitled to register such instruments, the Bill provides that the testator or any person claiming as executor or otherwise under a Will may register the Will, and that the donor or donée of any authority to adopt or the adoptive son may register any such authority. The depositor of sealed covers containing Wills or authorities to adopt may withdraw them on applying to the Registrar in whose Office they may have been deposited, and need no longer incur the expense and delay of presenting a petition to the District Court.

PART X.—*Of the fees for registration, searches and copies.*—The table of fees mentioned in the present Act is to include the extra or additional fees payable for discretionary registration by a Registrar General or a Registrar, for special registration of obligations for payment of money, for the issue of commissions, for filing translations of documents in languages not understood by the Registering Officer, and for attendance at private residences.

PART XI.—*Of the effect of registration and non-registration.*—This Part, with a few verbal changes, contains little but Section 67, the Clause as to the effect of non-registration comprised in Section 13, Section 68, and Section 51 of Act XVI of 1864. The Bill, however, imports a Section from the Limitation Act which there is reason to believe has been generally overlooked, and which provides that registration doubles the period of limitation in suits under a written contract for money lent, or interest or breach of contract.

PART XII.—*Of the duties and powers of Registering Officers*—brings together the provisions on this head which are scattered throughout the various Sections of Act XVI of 1864. This Part is subdivided into six heads, (*a*), as to the Registry books, (*b*), as to procedure on admitting to registration, (*c*), as to the special duties of the Sub-Registrars, (*d*), as to the special duties of the Registrars, (*e*), of the Registrar General, and (*f*), of the controlling powers of Registrars and Registrars General. Experience has suggested some changes in the number and nature of the Books. The Bill provides that, in all Registry Offices, four Books shall be kept, (1) a Register of instruments affecting immoveable property; (2) Register of decrees and orders of Court affecting immoveable property; (3) Register of deposits of Wills and Adoption-Instruments; and (4) Register of Wills and Adoption-Instruments. Registrars and Sub-Registrars will further keep (5) Register of obligations for payment of money specially registered; (6) a Miscellaneous Register, (7) a record of powers of attorney, and (8) a record of reasons for refusing to register. The Registrar General and all Registrars will, lastly, keep a Book (9) entitled "Register of Abstracts," in which the Registrar will enter abstracts of instruments relating to immoveable property situate in several districts, of which copies shall have been forwarded to him by a Sub-Registrar, or by the Registrar General, and the Registrar General will enter abstracts of entries made in any register and forwarded to him. The indexes to be kept under the Bill will, in addition to the particulars shown by the indexes kept under the Act, contain the names (if any) and descriptions of all persons claiming under a registered document.

Copies of entries in Registry Books Nos. 3, 5 and 6 will be given to any person executing or claiming under the documents to which the entries respectively refer, but the requisite search for such entries will be made only by the Registering Officer.

On admitting to registration, the Registering Officer, when the statements made before him are conflicting, is empowered to record a note of the substance of the statement made by every person whom he may have examined.

The endorsement on every document admitted to registration is to state not only any payment of money or delivery of goods, but also any admission of receipt of consideration made in the presence of the Registering Officer in reference to the execution of the document.

Registrations *bonâ fide* made by any Registering Officer are not to be deemed invalid merely by reason of defect or irregularity in the appointment of, or in the procedure followed by such Officer.

Every Registering Officer may at his discretion administer an oath (which is defined to include a solemn affirmation) to any person examined by him.

The Registrar General is empowered to make rules, not only relating to the subjects mentioned in Section 64 of Act XVI of 1864, but also as to the languages in which, and the materials on, in, and with which documents presented for registration are to be written or printed, the size of such documents, and the extent of blank space to be left thereon, and as to the holidays to be observed in the Registry Offices.

PART XIII.—*Of refusal to register.*—When a Registrar or Sub-Registrar refuses to register a document, he is to endorse thereon "registration refused," and no Registering Officer is to accept for registration a document so endorsed unless and until an appeal shall have been presented and decided in favour of the appellant. The procedure where a Registrar refuses to register a document relating to immoveable property is somewhat altered. If a Registrar refuse to register any document relating to immoveable property, or if he shall on appeal refuse to direct registration, any person claiming thereunder may institute a regular suit to which the Registrar may be a party. But nothing contained in the proposed Act is to be considered as rendering a Registering Officer liable for any thing *bonâ fide* done or refused in his official capacity. In practice it has been found that the Civil Courts have sometimes directed registration to take place in cases where the requirements of the law have not been fulfilled. The reason of this, doubtless, is that it was no one's interest or duty to bring to the notice of the Court the precise manner in which the law had been disobeyed. By making the Registrar a party to the suit he will be in a position to substantiate the grounds on which his refusal was based, while at the same time he is protected from damages so long as his acts are shown to have been done in good faith.

PART XIV.—*Miscellaneous.*—The Administrators General, the Official Trustees, the Receivers and Registrars of the High Courts are, like Officers of Government under Section 69 of Act XVI of 1864, exempted from appearing on presentation of instruments which they may have executed in their official capacity. Penalties are provided for incorrectly copying or translating, abstracting or registering documents with intent to cause "injury" as defined in the Indian Penal Code. All Registry Books kept under Act No. XVI of 1864 or any enactment repealed thereby will be transferred to the Registrar of the District in which they are now preserved, and the rules as to extracts, searches, fees, &c., contained in or made pursuant to this Act will apply to the Books so transferred.

S. ST. J. GORDON.

The 20th January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 26th January 1866 and is hereby promulgated for general information :—

ACT NO. III OF 1866.

An Act to confer certain increased powers on the Registrars of the Recorders' Courts in British Burmah, and for other purposes.

Preamble.

Whereas it is expedient to confer upon the several Registrars of the Recorders' Courts in British Burmah certain increased powers; It is enacted as follows :—

Power to Registrars appointed under Act XXI of 1863 to make certain orders interlocutory.

1. Every Registrar appointed under Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said Towns*) may, in the absence of the Recorder of the Court to which such Registrar is appointed, make all such orders for arrest before judgment, for attachment of property before judgment, for the protection, management, and custody of property in dispute in any suit, for injunctions restraining breaches of contract or wrongful acts, as such Recorder if present might make.

Such orders may be altered or reversed on application.

2. Every order made by any Registrar in the exercise of the powers conferred upon him by this Act may be altered or reversed upon the application of any person, whether a party to the suit or not, who may deem himself to be aggrieved by such order.

Application may be made to and disposed of by Registrar.

3. Every such application may be made to and disposed of by the Registrar of the Court in which such order shall have been made in the absence of the Recorder of such Court.

Registrar to take down evidence.

4. The Registrar to whom any such application shall be made, shall take down the evidence given upon the hearing of such application.

Appeal against orders made by Registrar.

5. Every order made by a Registrar in pursuance of this Act shall be subject to an appeal, under the general rules applicable to appeals from orders, to the Recorder of the Court by the Registrar of which such order shall have been made.

Power to appeal to Recorder in his absence.

6. In case of the absence of the Recorder before whom the appeal is brought, the person appealing may make such application by way of petition, and may require the the Registrar from whose order such appeal shall be brought, to transmit to such Recorder copies of such petition and of all the evidence received by the Registrar upon the hearing of the application from the order upon which such appeal shall have been brought.

Power to Recorder to alter or reverse the order appealed against.

7. Such Recorder may affirm, alter, or reverse the order from which such appeal shall be brought, or postpone the further consideration of such appeal until the next sittings of the Court in which such order shall have been made.

8. No appeal from any order made by any Registrar under the powers conferred by this Act, nor any application to alter or reverse such order, shall be brought after the conclusion of the sittings of the Court in which such order shall have been made, which shall commence next after the making of such order.

Time within which appeals to be brought.

9. Every Registrar appointed under the said Act shall have power to receive affidavits and to administer oaths and affirmations in all suits which may or shall be depending in any Court established under the said Act.

Registrar to receive affidavits and administer oaths.

10. In case the Recorder of any Court established under the said Act shall be a party, or a necessary witness to or in any suit or proceeding instituted in such Court, such suit or proceeding and all applications therein shall be heard and determined by the Commissioner of the Division in which such Court shall be situated, and such Commissioner shall in every such suit or proceeding have and exercise all the powers by the said Act or by this Act vested in such Recorder.

Trial of case in which Recorder is a party or witness.

11. Upon the happening of a vacancy in the Office of Recorder and during any absence of a Recorder from British Burmah, the Governor-General of India in Council shall appoint any person with such qualifications as are required by the said Act in persons to be appointed Recorders, to perform the duties of Recorder. The person so appointed shall be authorized to sit and perform the duties of Recorder until some person shall have been appointed by the Governor-General in Council to the Office of Recorder and shall have entered on the discharge of the duties of such Office, or until the Recorder shall have returned from such absence.

Provision for vacancy of the Office of Recorder.

12. So far as regards Small Causes, all or any of the powers and duties conferred and imposed on any Registrar by this Act or under or by virtue of Sections thirty-five and thirty-six of Act No. XXI of 1863, may be exercised and performed by the Recorder of the Court to which such Registrar is attached.

Registrar's powers as a Small Cause Court Judge exercisable by Recorder.

13. Whenever any person holding the Office of Registrar under Act No. XXI of 1863, shall obtain leave of absence or be disabled through illness from performing his duties, it shall be lawful for the Recorder of the Court to which such Registrar is attached, or, in his absence, for the Commissioner of the Division in which such Court is situate, to appoint some person to officiate as Registrar; and such person while so officiating shall have the same powers and perform the same duties as the Registrar of such Court under this Act and any other law for the time being in force. Any person appointed under this Section may hold at the same time any other office under Government.

Power to appoint an Officiating Registrar.

14. The Recorder of any Court established under the said Act shall have power to make and issue general rules for regulating the practice and procedure of his Court, and to prescribe forms for every proceeding therein for which he shall think that a form should be provided, and from time to time to alter any such rule or form; and the rules so made, and the forms so framed, shall be published in the Official Gazette, and after being so published shall be observed and used in the said Court: Provided that such rules and forms shall not be inconsistent with the Code of Civil Procedure or any other law for the time being in force, and shall, before they are published, have received the sanction of the Chief Commissioner of British Burmah.

Power to make rules of practice.

15. This Act shall be read with, and taken as part of, the said Act No. XXI of 1863.

This Act to be read with Act XXI of 1863.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative).

Corrigenda.

In the "Amended Bill to legalize under certain circumstances the dissolution of Marriages of Native Converts to Christianity," published in the *Gazette* of 20th January 1866,

Sections 4 and 5, and First Schedule, para. 7, *omit* "solely."

Sections 15 and 16, *omit* "sole."

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

No. 681.

Fort William, the 18th January 1866.

NOTIFICATIONS.

Mr. W. E. Purser, a Junior Civil Servant, having, within the prescribed interval after arrival in India, passed examinations in two languages, has been presented with the authorized donation of Rupees 800.

No. 701.

The 22nd January 1866.

The Governor General in Council is pleased to re-attach to the North-Western Provinces, Punjab, and Oudh, Mr. William Young, of the Civil Service, who returned from furlough on the 13th instant.

No. 704.

Captain J. D. Vallance, District Superintendent of Police, Chanda, in the Central Provinces, has obtained three months' privilege leave from the 1st of March, or from such date as he may avail himself of the same.

No. 706.

Ecclesiastical.—The Reverend T. A. C. Firminger, a Chaplain on the Bengal Establishment, reported his return from England on the 13th instant.

2. Mr. Firminger's services are placed at the disposal of the Government of Bengal.

No. 831.

The 24th January 1866.

The under-mentioned persons have been licensed by the Chief Commissioner of British Burmah to grant Certificates of Marriage between Native Christians within the territories of British Burmah under Section 47 of Act V of 1865 :—

Name of Person.	Place.	District.
	PEGU.	
Tsaya-Khai	Ko-tsoo	Bassein.
Shwé-Hmyin	Kan-gyee-doung	"
Che Kau	Kannee	"
Tsa Byay	Ka-nau-kee	"
Htoon Tha	Kyoon-ta	"
Tsaya Dawait	Pan-dau-gyee	"
Htoon Oung	Ka-Wé	"
Tsaya Yé	Kyom-toon	"
Shwé Too	Tseit-gyee	"
Htoon Kyau	Kwen-ya	"
Shwé Len	Khyoung-bya	"
Mau Lé	Khyen-koon	"
Pan Oo	Pein-né-kwen	"
Shwé Men	Ta-la-kwa	"
Bau Gyee	Tsen-like	"
Mya Oung	Tseit-tha	"
Né Hla	Tsit-tsa-yan	"
Shwé Nyein	Than-bya	"
Tee Too	Yé-byew-kwen	"
Tha Yé	Shan-ywa	"
Shwé Bau	Nyoung-mau	"
Pho tope	Tata-yé	"
Tha No	Toon-ba-loon	"
Shwé Oung	Htau-kau-la	"
Htoon Oung	Htain-le-bin	"
Mya Ngyo	Thoung-tan	"
Tsaya Kyoodee	Htain-tau	"
Shwé Ngyo	Stein-koo	"
Tsaya Kyet Tau	Anan-koon	"
Htoon Hmwé	Mau-bee	"
Nat Gyee	Kateya	"
Tsaya Kwé	Pana-thain	"
Tha Ywé	Oke-sheit-kwen	"
Tha Shoo	Mokop	"
Khwé Bai	Moza	"
Htoo Pho	Ma-kye-la-ha	"
Oo Tsa	Mee-thwé-taik	"
Pha Yé	Shan-kwen	"
Nat Pé	Ye-kyau	"
Pon Ngya	Let-kop	"
Mo Louk	Hlé-loo	"
Nga Koo	Ka-ngyu-khyoung	"
Pha Lo	Wet-tsoo	"
Shwé Kya	Tha-boung	"
Htwe Kyau	Hta-tau-gyee	"
Tha Dwé	Kyoon-Khyoung	"
Te Noung	Oon-Khyoung	"
Ta Lope	Atha-louk	"
Moung Tha Oo	Wa-lay-way	"
Shwé Bo	Mobyah	"
Line	Kyon-Choung	"
Myit Koo	Moung-tee	"
Myo Nyo	Tha-ya-goon	"
Thyne Gyoak	Ngyoung-goan	"
Laizoung	Pabin	"
Shwé Lan	Oung-kyee	"
Tha Byoo	Myat-lay-young	"
Tsan Aa	Let-pan-goan	"
Lai Poo	Ah-la-man	"
Mo Nyo	Nyoung-choung	"

Name of Person.	Place.	District.
	PEGU,—*continued.*	
Tha Wet	Zoung-ya-kyoon	Bassein
Oung La	Kyoon-talai	"
H. L. Van meter	Bassein	"
J. S. Beecher	Ditto	"
P. Pertrand	Nyoung-doon	"
M. Devot	Myoung-mya	"
P. Taquet	Shwé-Loung	"
P. Damollord	Bassein	"
Lacrampe	Ditto	"
Ko Kong	Prome	Prome.
Moung Myat Koung	Poungday	"
Moung Shwé Nee	Enma	"
Moung Koom Paune	Magee Kong	"
E. Kincaid	Prome	"
Revd. X. Ducotey	Thayetmyo	"
Moung Lay	Yen-daik-beng	Rangoon.
Moung Dee Hai	Ray-tho	"
Moung Pa lai ko	Hlauga	"
Moung M'ha	Taw-lay-tay	"
Moung Shwé La	Kan-galay	"
Moung Shwé Too	Engyen-gon	"
Moung Cha Win	Toon-ta-bai	"
Moung tee too maw	Bhon-lon-hseat	"
Moung Yah Po	Aka-byin	"
Moung Kya Ay	Ma-gay-gwin	"
Moung Myah Ay	Pa-lah-tai	"
Moung Shwé Bya	Mee-nin-gon	"
Nga dee	Thon-shá	"
Lah gway	Wade-lee	"
Shwé Chaing	Yai-moo	"
Moung Mya Ay	Mau-long	"
Ko So	Htun-gee	"
Moung Yai Pau	Paya-thong-zoo	"
Moung Kyaw Galay	Wabeng	"
Moung Shwé Pay	Karen-gyune	"
Moung Tha Mway	Rangoon	"
Moung Tha Loo	Kemmindine	"
Moung Mya Kyoo	Tha-met-pyay	"
Moung Pa Teing	Phet-éng	"
Moung Kyaw dee	Kanoung	"
Ko En	Rangoon	"
Moung Hmaw	Kam-bet	"
Moung Pan	Ta-khwon-daing	"
Moung Hmaing	Anan-beng	"
Moung Shwé Aek	Ma-ngay	"
Moung Tha Zan	Mee-loung-gon	"
Moung Thet Hnam	Thong-zai	"
Moung Tha Noo	Andamah	"
Ko Oung Gyee	Myin-kadoung	"
Moung Tha Oo	Way-laway in Myanoung	" (only.)
Moung Quine	Kemmindine	"
Moung Nee	Nyoung-wine	"
Moung Poo gyee	Opho	"
Moung Poo dee	Pot-pah	"
Moung Aw Ngyeing	Way-laway	"
Moung Kyaw Ay	Ein-ma-gyee	"
Moung Pan Byoo	Wa-met-gon	"
Moung Bayah	Tan-bin-gon	"
Moung Shwé Min	Paya-thon-zoo	"
Moung Kya Ay	Nyoung-zonk	"
Moung Shwé Ban	Tha met pyay	"
Oo Tha Lay	Myin ka doung	"
Po Myo	Zayat Kong	"
E. A. Stevens	Rangoon	"
Revd. D. A. W. Smith	Ditto	"
V. Gabutti	Ditto	"
L. N. Bernard	Ditto	"

Name of Person.	Place.	District.
	PEGU,—*continued.*	
J. B. Vinton	Rangoon	Rangoon.
Moung Tha Hmway	Rangoon	Rangoon. Bassein. Myanoung.
Moung Shwé Nyo	Let pa dan	Myanoung.
Nga Bing	Byen-yah	"
Too Sai	Ingyee	"
Mau Po	Ka-na-gyee	"
Myat Lay	Kune-shah	"
San Dong	La Ming	"
Sah Oo	Kune-Ta-Nau	"
Kah Lee	Ta-kwon-ding	"
Bau Ya Pan	Engia	"
Loo Bau	Lay-myat-na	"
Shwé Nee	Quen-tha	"
San Wah	Ma-la-ka-dan	"
Sah Po	Mo-gyoung	"
Loon Yo	Toung-bo-hlah	"
Shwé Too	Men hlah	"
Shwé Pwen	Kyouk Kyoung	"
Moung Dee	Sa-ka-gyee	"
Sah Men	Apyouk	"
Shwé Thee	Sen-tia	"
Pah Gan	Pah-Gan	"
B. C. Thomas	Henzada	"
R. Nande	Ditto	"
R. Bringand	Ditto	"
J. B. Tardinel	Ditto	"
Revd. Ko Aing	Rangoon	"
Tay Wa	Pen-lo	Toungoo.
Shie mo	Toungoo	"
Htan-Die	Ditto	"
Mau Khe	Ditto	"
Matwai	Mai-the-lai hau	"
Lau Pghe	Lai khen	"
Ahtso	Hoo-moo-den	"
Ko Dwé	Kwai-la-den	"
Moung Po	Swa-hta	"
Ai-nen	Thie-ya-yen	"
Lu Mau	Nan the den	"
Shwé-nyo	Kan-tu-den	"
Ra-bu	Ka-shie-khie	"
Kha Ban	Khen-wai	"
Tha kwie men	Khu the-den	"
Lem-mu-hta	Khan-mie kho	"
Mai Ka-le	Htie le den	"
Shai Ka-le	Dan-ma-den	"
Mau Kyau	Tha-ba-pen	"
Pa-hai-ke	Sen-ba-khie	"
Hto-An	Han-lo-den	"
Shie Pghai	Thea-pu	"
Sha Pan	Thu-gha-den	"
Pwai Pan	Khlen-la	"
Mo Sha	Kan-the-don	"
Kyouk Kai	Tauchalo	"
Pwo-Pan	Kle-lah	"
Thai Pan	Pelakee	"
Thu Mai	Santadeh	"
Lu-tu	Plomudeh	"
Shwé Lai	Bukoh	"
Klai-po	Thee-lo	"
M. H. Bixby	Toungoo	"
F. Mason	Ditto	"
G. D'Cruz	Ditto	"
	TENASSERIM.	
Myah Pau	Psan-oo	Tavoy and Mergui.
Boochay	Blau	Ditto.

Name of Person.	Place.	District.
	TENASSERIM,—*continued.*	
Say Rase-Pau	T'potah	Tavoy and Mergui.
Khu-a	Lut-poo	"
San Wah	Shen t'bee	"
Tau Moo	Mye-htah	"
San Doo	Peekyah	"
Pgway-Poe	Kpyeenah	"
Kau-lau-pan	Nyoung-doo-lai	"
Revd. J. Renier	Mergui	Mergui.
Ko Shwé A	Maulmain	Amherst.
Ko Oung Men	Amherst	"
Tah Pula	Tunoe	"
Degna	Tegoo-than	"
Talay	Qua-that	"
Yuahai	T'mohjah	"
Kook-nee	Wan-chee	"
Kamah	Krew-per	"
Chongteyai	K'yong	"
J. M. Haswell	Maulmain	"
Ta Loo	Kya-hin	Amherst and Martaban.
Pan-lah	Pakrewtar	"
Le-Law	Dongyau	"
Mya-Hoo	Meezine	"
Pra-Hai	Meng-tsai	"
Pah Poo	Maulmain	"
Kurnah	Sar-gyeen	"
Shway Sar	Ya-boo	"
F. Guerin	Maulmain	"
— Chevillion	Ditto	"
Dumoo	Kyouk Gyee	Shwé Gyeen and Martaban.
Paman	Pa-pedah	"

No. 834.

The 25th January 1866.

Captain S. S. Sutherland, District Superintendent of Police, Saugor, in the Central Provinces, has obtained preparatory leave of absence from the 4th to the 15th January 1866, to enable him to proceed to the port of embarkation at Bombay.

No. 836.

The Reverend E. S. Goodhart, of the Madras Ecclesiastical Establishment, is appointed Chaplain of Seetabuldee, in the Central Provinces.

No. 863.

His Excellency the Viceroy and Governor General notifies the following appointment:—

Mr. J. D. Gordon, of the Civil Service, to be Private Secretary to the Viceroy, with effect from the 23rd instant.

No. 864.

Major R. H. Atiken. V. C., Inspector General of Police, in Oudh, has obtained sixteen days' leave of absence, from the 14th instant, to proceed to Calcutta for the purpose of appearing before a Board of Medical Officers.

Major D. S. Barrow, District Superintendent of Police, has been appointed to officiate as Inspector General of Police during Major Aitken's absence, or until further orders.

Major Aitken availed himself of the leave above granted on the afternoon of the 13th instant.

No. 882.

The 26th January 1866.

The services of the Reverend J. Dawson, Assistant (Presbyterian) Chaplain, are placed at the disposal of the Government of the North-Western Provinces, with a view to his appointment to the station of Meerut.

E. C. BAYLEY,

Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

No. 82.

POLITICAL.

Fort William, the 24th January 1866.

His Excellency the Viceroy and Governor General in Council is pleased to confer the title of "Khan Bahadoor" on Shaikh Ahmed Buksh, Honorary Magistrate of Pergunnah Ekdulla, in the Futtehpoor District, North-Western Provinces.

GENERAL.

No. 98.

The 20th January 1866.

The services of Mr. W. E. Purser, C. S., are placed at the disposal of the Punjab Government for employment in that Province.

No. 107.

The 23rd January 1866.

Captain T. Acton, Officiating Deputy Superintendent of the Cudoor District, in Mysore, has obtained privilege leave of absence for two months, from the 20th instant.

No. 109.

Moung Win, Extra Assistant Commissioner, 3rd Class, 3rd Grade, in British Burmah, has been granted privilege leave of absence for one month, from the 1st December 1865.

No. 111.

Captain A. R. McMahon, Magistrate of Akyab, has obtained privilege leave of absence from the 16th January to the 10th February 1866.

No. 113.

Major T. M. McHutchin, Deputy Superintendent of the Mysore District, has obtained leave of absence for one month, from the 5th instant, preparatory to applying for leave to Europe on medical certificate.

No. 115.

Major E. J. Spilsbury, Deputy Commissioner of Akyab, has been granted privilege leave of absence from the 16th November to the 25th December 1865.

No. 137.

The 26th January 1866.

Mr. A. H. Harington, Assistant Commissioner in Oudh, returned to India on the 14th instant, from the leave granted him in G. O. No. 1240, dated 15th November 1864.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 383.

Fort William, the 25th January 1866.

NOTIFICATIONS.

Mr. J. L. Lushington, Accountant General, Bombay, is allowed privilege leave of absence for three months, from the 1st February 1866, or from the date on which he may avail himself of the leave.

Mr. C. E. Chapman, Deputy Accountant General, Bombay, to officiate as Accountant General, and Mr. J. Christie, 1st Assistant Accountant General, to officiate as Deputy Accountant General, during the absence of Mr. Lushington.

No. 410.

The 26th January 1866.

Mr. R. Taylor, Deputy Accountant General, Madras, availed himself on 7th January 1866, of the privilege leave granted to him in the Notification dated 8th December 1865.

No. 425.

Captain (Brevet Major) Hyde, Master of the Calcutta Mint, having in the Military Department obtained twenty months' leave of absence on sick certificate, the following arrangement is sanctioned :—

Lieutenant Colonel J. A. Ballard, C. B., Master of the Bombay Mint, to officiate as Master of the Calcutta Mint during Captain Hyde's absence

Dr. J. T. Shekleton, Assay Master of the Calcutta Mint, to officiate temporarily as Master of that Mint, until the arrival of Lieutenant Colonel Ballard.

Lieutenant Colonel J. Harley Maxwell, R. E., to officiate as Master of the Bombay Mint.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 20th January 1866.

No. 70 of 1866.—With reference to the Notification from the Home Department, No. 651, dated 18th instant, the services of Surgeon Major C. Hathaway, M. D., Private Secretary to His Excellency the Viceroy, are, at his own request, replaced at the disposal of His Excellency the Commander-in-Chief from the 23rd instant.

No. 71 of 1866.—Surgeon Major Charles Hathaway, M. D., of the Medical Department, is allowed leave of absence from the 23rd January to the 14th February 1866, to visit Bombay.

No. 72 of 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—

Captain (Brevet Major) Henry Hyde, of the Royal Engineers, Mint Master, Calcutta.	For 20 months, under the new Regulations, embarking at Bombay.

The 23rd January 1866.

No. 73 of 1866.—His Excellency the Governor General in Council is pleased, in conformity with Clauses 1 and 2 of Government General Order No. 196 of the 20th May 1848, to confer on the under-mentioned Non-Commissioned Officers of the Local European Service the annuity specified opposite to their respective names, with effect from the 1st January 1863, together with the distinction of a silver medal to each, as a reward for distinguished and meritorious service since enlistment :—

Sergeant James Hoey, of the local Company of European Infantry (Pensioned).	£10.
Sergeant Major Thomas Burrows, of the 15th Regiment Native Infantry (Pensioned).	£10.
Sergeant John Shannahan, of the European Invalid Battalion.	£10.

No. 74 *of* 1866.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Alexander Dunlop Anderson, of the late 61st Regiment Native Infantry, Adjutant, 23rd (Punjab) Regiment Native Infantry (Pioneers).	11th December 1865.

No. 75 *of* 1866.—The services of Captain G. Briggs, of the Madras Staff Corps, are placed at the disposal of the Foreign Department, with effect from the 17th November 1865.

No. 76 *of* 1866.—His Excellency the Governor General in Council is pleased to direct that the Benares Division shall in future be designated the "Allahabad Division" of the Army.

The Head Quarters of the Benares Division will therefore be removed to Allahabad, the Brigadier General now Commanding at that Station being transferred to Benares.

With reference to the above change, the following disposition of Stations is substituted for that now existing :—

Presidency Division.	Fort William— Divisional Head Quarters. Alipore. Dum-Dum. Barrackpore. Chinsurah. Berhampore. Hazareebaugh. Dorundah. Parisnath. Dacca.
Allahabad Division.	Allahabad—Divisional Head Quarters. Cawnpore. Dinapore. Benares. Segowlie. Chunar. Azimgurh.
Oudh Division.	Lucknow, Divisional Head Quarters. Seetapore. Roy Bareilly. Fyzabad. Goruckpore.
Eastern Frontier Brigade.	Dibrooghur. Cherra Poonjee. Sylhet. Tezpore. Dalimkote. Buxa. Julpigoree. Darjeeling, and all Stations in Assam and along the Eastern Frontier.

The Head Quarters of this Brigade will be determined hereafter.

His Excellency the Commander-in-Chief will be pleased to issue such subsidiary orders as may be necessary.

No. 77 *of* 1866.—*Erratum.*—In the concluding part of paragraph 2 of Government General Order No. 903 of the 16th November 1864, indicating how certain articles* of Riding House Furniture are to be procured, for "Department of Public Works," read *Commissariat Department.*

* Practice Posts.
Leaping Bars.
Posts for leaping Bars.
Clubs.

Order books to be corrected accordingly.

No. 78 *of* 1866.—His Excellency the Governor General in Council is pleased to confer the undermentioned promotions in, and admissions to, the Order of Merit upon the following Native Officers, Non-Commissioned Officers and men of Regiments attached to the "Dooar Field Force," in consideration of their conspicuous gallantry during the operations on the North-East Frontier in 1864-65 :—

Corps.	Rank and Names.	What class of the Order of Merit.	Acts of gallantry.
14th Bengal Cavalry.	Ressaldar Chooramun Sing ...	From 3rd to 2nd Class ...	For conspicuous gallantry and bravery in the attack at Dewangiri on the 3rd February 1865.
Ditto.	Sowar Jumna Persad ...	3rd Class ...	
Ditto.	" Dyaram	Ditto ...	
Ditto.	" Doorjun Sing ..	Ditto ...	
Ditto.	" Bulwunt ...	Ditto ...	
Ditto.	" Bhurt Sing ...	Ditto ...	
Sappers and Miners.	Sepoy Urjun ...	Ditto ..	For conspicuous gallantry at the capture of Dewangiri on the 2nd April 1865.
12th (the Kelat-i-Ghilzie) Regt. N. I.	Havildar Nundram ..	Ditto ...	For distinguished conduct prior to, and at the retreat of, the Dewangiri Garrison in February 1865.
18th (The Alipore) Regt. N. I.	Sepoy Husta Beer ...	Ditto ...	For conspicuous acts of gallantry at the capture of the upper stockades at the Bala Pass on the 15th March 1865.
Ditto.	" Bull Bahadoor ...	Ditto ...	
19th (Punjab) Regt. N. I.	Subadar Ahmudjee ...	From 3rd to 2nd Class ...	For conspicuous gallantry on the occasion of the re-capture of Bala Stockade on the 15th March 1865.
Ditto.	Havildar Fuzulla ..	3rd Class ...	
Ditto.	" Prem Sing ...	Ditto ...	
Ditto.	Naik Heerah Sing ...	Ditto ...	
Ditto.	Sepoy Bhugwan Sing ...	Ditto ..	
Ditto.	" Mahomed Ukrum ...	Ditto ...	
Ditto.	" Shere Mahomed ...	Ditto ...	
44th (Sylhet) Regt. N. I.	" Bhuggut Sing Rye ...	Ditto ...	For gallant conduct in climbing up the principal stockade at Dewangiri and taking down the enemy's flag under a heavy fire.

No. 79 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following transfer and appointments :—

PUNJAB FRONTIER FORCE.

2nd Cavalry.

Lieutenant F. Hammond, from the 4th to the 2nd Punjab Cavalry, as 2nd Squadron Officer, vice Lieutenant Goschen, who vacates his appointment having exceeded the prescribed period of sick leave to Europe.

4th Cavalry.

Captain A. H. Prinsep, 3rd Squadron Officer, to be 2nd Squadron Officer, vice Lieutenant Hammond, transferred to 2nd Cavalry.

5th Cavalry.

Lieutenant F. S. Carr, of the General List, Infantry, 1st Doing-duty Officer, 10th Native Infantry, to be 2nd Doing-duty Officer.

No. 80 *of* 1866.—The services of Assistant Surgeon R. Reid are placed, temporarily, at the disposal of the Government of Bengal.

The 24th January 1866.

No. 81 *of* 1866.—The under-mentioned Officers and Warrant Officer have reported their departure on the dates specified opposite to their respective names :—

Apothecary R. J. Quinnell, of the Subordinate Medical Department, on furlough for two years, Government General Order No. 11 of the 3rd January 1866.	"Golconda," 10th Jan. 1866.
Captain J. Reay, of the late 63rd Regiment Native Infantry, on furlough for three years, Government General Order No. 1163 of the 16th December 1865.	"Anglesea," 19th Jan. 1866.
Assistant Surgeon A. Fitz-Gerald, of the Medical Department, on leave for twenty months, Government General Order No. 23 of the 6th January 1866. Lieutenant E. Harvey, of the Royal Engineers, Assistant Engineer, 2nd Grade, Department of Public Works, on leave for twenty months, Government General Order No. 29 of the 8th January 1866.	"Golden Fleece," 21st Jan. 1866.
Lieutenant Colonel G. Sim, of the Royal Engineers, Consulting Engineer and Under Secretary to the Government of the Punjab, Public Works Department, Railway Branch, on leave for twenty months, Government General Order No. 50 of the 16th January 1866. Major J. J. Hume, of the Bengal Staff Corps, Executive Engineer, 1st Grade, Department of Public Works, North-Western Provinces, on leave for twenty months, Government General Order No. 50 of the 16th January 1866. Captain (Brevet Major) R. H. M. Aitken, V. C., of the Bengal Staff Corps, Inspector General of Police, Oudh, on leave for twenty months, Government General Order No. 65 of the 18th January 1866. Captain (Brevet Major) D. H. Osborn, of the Bengal Staff Corps, District Superintendent of Police, 2nd Grade, Burdwan, on leave for twenty months, Government General Order No. 65 of the 18th January 1866. Lieutenant A. Oldham, of the General List, Infantry, on leave for twenty months, Government General Order No. 65 of the 18th January 1866.	"Bengal," 23rd January 1866.

No. 82 *of* 1866.—Her Majesty has been pleased to appoint the under-mentioned gentlemen to be Assistant Surgeons in Her Majesty's Indian Military Forces, at the Presidency of Bengal. They are accordingly admitted into the service :—

Medical Department.

	Date of arrival at Fort William.
Mr James Robertson MacIver, M. D.	4th Jan. 1866.
Mr. Kenneth McLeod, M. D., " Andrew Skeen, M. B.	17th Jan. 1866.

No. 83 *of* 1866.—The following order issued by the Resident at Hyderabad is confirmed :—

No. 190, *dated the* 19*th December* 1865.—Directing Lieutenant A. F. Dobbs, Doing-duty with the 5th Infantry, Hyderabad Contingent, to rejoin his appointment in the 3rd Infantry, Hyderabad Contingent at Elichpore.

No. 84 *of* 1866.—The under-mentioned individual is admitted to pension as specified opposite to his name, as a special case :—

Gunner Edmond Dyley, late of No. 1 Battery Bengal Artillery.	Rs. 12-0-0 per mensem, payable in India.

No. 85 *of* 1866.—The services of Lieutenant C. W. Campbell, of the General List, Bengal Cavalry, are placed at the disposal of the Government of Fort St. George.

No. 86 *of* 1866.—The services of Surgeon D. McDonald, M. D., in medical charge of the 23rd (Punjab) Regiment Native Infantry, (Pioneers,) are placed at the disposal of the Government of the Punjab.

The 25th January 1866.

No. 87 of 1866.—In modification of the rules laid down in Government General Order No. 907 of the 8th October 1861, His Excellency the Governor General in Council is pleased to notify:—

1st.—That Soldiers of short service, recommended for discharge on account of physical unfitness, shall be brought before the Annual Invaliding Committee, their names being entered in Rolls distinct from those of men recommended for transfer to the Pension Establishment.

2nd.—If a Soldier becomes altogether unfit for Military duty subsequently to the sitting of the Annual Invaliding Committee, the Commanding Officer of his Regiment will report the matter to the General Officer Commanding the Division or District, under whose orders a special Medical Committee must be convened for the purpose of disposing of the case.

3rd.—Should, however, a Regiment be serving at a Station where a Committee of Medical Officers cannot conveniently be assembled, the Commanding Officer of the Corps is empowered to dispose summarily of the cases of men pronounced physically unfit for the Service by the Regimental Surgeon. But before directing the discharge of such men, the Cammanding Officer will obtain the written opinion of the Medical Officer of the Regiment that the Soldier concerned is physically unfit for his duty, and is not likely to become fit from treatment in hospital, from change of air, or from sick leave to his home; and that he is not a malingerer or suspected of being so.

4th.—To men of above five years' service discharged under the foregoing conditions, gratuities will be allowed in the following scale:—

Above five years and under 10 years' service, Rs. (21) twenty-one, or three months' pay.

Above 10 and under 14 years' service, Rs. (42) forty-two, or equal to six months' pay.

5th.—Men who become incapacitated for duty in the fifteenth year of their service, are not to be discharged with gratuity without the special sanction of the Commander-in-Chief, but they should generally be brought before the first Annual Invaliding Committee; men who are discharged in their fifteenth year of service receiving a gratuity of Rs. (42) forty-two, or six months' pay.

6th.—The rules notified in Government General Order No. 907 of the 8th October 1861, are still applicable to strictly Local and Civil Corps.

No. 88 of 1866.—The under-mentioned Officers and Warrant Officer have reported their return from England:—

	Date of arrival at Fort William.
Assistant Apothecary T. M. Sullivan, of the Subordinate Medical Department.	10th Jan. 1866.
Captain (Brevet Major) R. A. Napper, late 55th Regiment Native Infantry.	14th Jan. 1866.
Captain G. F. Graham, late 5th European Regiment.	
Lieutenant (Brevet Captain) H. A. W. Waterfield, of the late 27th Native Infantry...	
Lieutenant A. Vivian, Bengal Staff Corps, 2nd in Command and Squadron Officer, 3rd Punjab Cavalry.	
Captain R. G. Armstrong, of the Bengal Staff Corps.	17th Jan. 1866.
Lieutenant R. E. K. Money, of the late 13th Regiment Native Infantry.	

No. 89 of 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Major William Reveley, of the Bengal Staff Corps, Deputy Commissioner of Police, Calcutta.	For 12 months.

No. 90 of 1866.—The following promotions are made:—

Ordnance Commissariat Department.

Supernumerary Sub-Conductor Thomas Shannahan, attached to the Cossipore Foundry, to be Supernumerary Conductor, from the 7th January 1866.

Sub-Conductor (Officiating Conductor) William Benson, to be Conductor, from the 7th January 1866, vice Conductor Mann, deceased.

Sub-Conductor Alexander J. Ryan, to officiate as Conductor from the 7th January 1866, vice Benson, promoted, and during the absence on furlough of Conductor Wilkins, or until further orders.

Sub-Conductor William Fuller, to officiate as Conductor, during the absence on furlough of Conductor Grossmith, or until further orders.

The 26th January 1866.

No. 91 of 1866.—His Excellency the Governor-General in Council is pleased to appoint Inspector General of Hospitals W. A. Green, of the Bengal Medical Department, to be a Member of the Commission convened under Government General Order No. 1084 of the 22nd November 1865, vice Principal Inspector General H. A. Bruce, M. D., proceeding to Europe on sick leave.

No. 92 of 1866.—His Excellency the Governor-General in Council is pleased to make the following arrangements in the Medical Department:—

Inspector General of Hospitals William Abbott Green to officiate as Principal Inspector General of the Medical Department, during the absence on sick leave to Europe of Principal Inspector General H. A. Bruce, M. D., or until further orders.

Deputy Inspector General of Hospitals John Wilkie, M. D., to be Inspector General of Hospitals, Lower Provinces, with temporary rank, vice Dr. Green.

No. 93 of 1866.—His Excellency the Governor General in Council is pleased to make the following appointments:—

PUNJAB FRONTIER FORCE.

No. 1 Horse Light Field Battery.

Captain F. E. Lewes, Doing-duty Officer and Officiating Commandant, to be Commandant, vice Captain W. B. Cumberland, Royal Artillery, who vacates the appointment, having exceeded the prescribed period of sick leave to Europe.

Lieutenant H. S. Hutchinson, Officiating Doing-duty Officer, to be Doing-duty Officer, vice Captain Lewes.

No. 94 *of* 1866.—The following order issued by the Resident at Hyderabad is confirmed:—

No 1, *dated the 2nd January* 1866.—Permitting Assistant Surgeon F. Duckworth, M. D., Officiating in medical charge, 1st Infantry Hyderadad Contingent, to resign his appointment in the Hyderabad Contingent, from the 13th January 1866, at his own request.

No. 95 *of* 1866.—With the sanction of the Right Hon'ble the Secretary of State for India, His Excellency the Governor General in Council is pleased to notify that, where an aggravation or reproduction of an illness originally produced by service in the field, to such an extent as to necessitate leave of absence, is clearly attributable to exposure or other causes attendant on subsequent active service in the field, such leave may be held to come within the provisions of Government General Order No. 1113, dated 1st September 1857.

No. 96 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs:—

Lieut Robert Hastie Inglis, of the late 43rd Native Infantry.	For 6 months, without pay.

H. K. Burne, *Lieut. Colonel,*
Offg. Secy to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 14.

Fort William, the 19*th January* 1866.

NOTIFICATIONS.

Colonel E. Lawford, R. E., Chief Engineer, Mysore, availed himself, on the 17th December 1865, of the one month's privilege leave granted to him in Public Works Department Notification No. 370 of the 17th October 1865.

No. 15.

Sergeant J. Keenan, Overseer, 1st Grade, Mysore, has been allowed two months' leave of absence on medical certificate, with effect from the date he may have availed himself of it.

No. 16.

Mr F. FitzJames, Local Assistant Engineer, 1st Grade, in Bengal, is brought on the Imperial Establishment in the same grade, and posted to the Central Provinces.

Mr. F. E. Archer, of the same grade, on the Bengal Local Establishment, is brought on the Imperial Establishment in that grade, and posted to Bengal.

No. 17.

The 22*nd January* 1866.

Mr. W. R. G. Hickey, Executive Engineer, 1st Grade, Bengal, was permitted, at his own request, to resign his appointment in the Public Works Department, with effect from the 15th July 1865.

No. 18.

The 23*rd January* 1866.

In supersession of Notification No. 439 of the 19th December 1865, Mr. Adolf Ruckstuhl is appointed to the Public Works Department as a Supervisor of the 1st grade, on probation, and posted to British Burmah for employment in Port Blair.

No. 19.

The 24*th January* 1866.

Lieutenant H. J. Nuthall, Her Majesty's 56th Foot, Executive Engineer, 4th Grade, Rajpootana, is permitted, at his own request, to resign his appointment in the Public Works Department, with effect from the 1st January 1866, and his services are replaced at the disposal of the Military Department.

No. 20.

The 25*th January* 1866.

Mr. A. T. Hughes, Assistant Engineer, 1st Grade, has been transferred from the 1st to the 2nd Oudh Roads Division, which latter Division he joined on the 1st January 1866.

No. 21.

Mr. W. G. L. Cotton is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade, on probation, and posted to the Punjab.

No. 22.

Mr. W. B. O'Hara, is re-appointed to the Public Works Department as a Supervisor of the 2nd Grade, and posted to British Burmah.

C. H. Dickens, *Lieut. Col.*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

Government Promissory Notes *carrying back interest*, will not be received for renewal, consolidation, sub-division, nor for any change in Enfacement making the interest payable at a particular Treasury.

All interest, including that for the half-year last due, must be drawn at the place at which it is payable, before the Note is tendered at this Office.

Geo. Dickson,
Secretary and Treasurer.

Bank of Bengal,
P. D. Office,
The 3rd January 1866.

NOTICE.

Lost or stolen, in transit by Post between Chunar and Calcutta, the first half of a Currency Note No. $\frac{A}{19}$ 06107, for Rs. 10.

NOTICE.

Pursuant to a Decree of the High Court of Chancery made in a cause "Joseph Burnett Finch against Matilda Finch and others," the Creditors of Justin Finch, late of Shahpore Oondee, in the District of Tirhoot, in the East Indies, Indigo Planter, deceased, (who died on or about the 7th day of March 1861,) are, on or before the 1st day of March 1866, to send by post, pre-paid, to W. D. H. Oehme, of No. 221, Gresham House, Old Broad Street, in the City of London, the Solicitor of Matilda Finch, the Executrix of the deceased, their Christian and surnames, addresses, and descriptions, the full particulars of their claims, a statement of their accounts, and the nature of the securities (if any) held by them, or in default thereof, they will be peremptorily excluded from the benefit of the said Decree. Every Creditor holding any security is to produce the same before the Vice-Chancellor, Sir William Page Wood, at his Chambers, situate at No. 11, New Square, Lincoln's Inn, in the County of Middlesex, on the 15th day of April 1866, at 2 o'clock at noon, being the time appointed for adjudicating on the claims. Dated this 7th day of December 1865.

W. D. H. OEHME, *Plaintiff's Solicitor.* EDWD. WEATHERALL, *Chief Clerk.*

221, Gresham House,
Old Broad Street, London.

NOTICE.

Pursuant to a Decree of the High Court of Chancery made in a cause "Joseph Burnett Finch against Antoine Fortune Goutiere and others," the Creditors of Frederick Finch, late of No. 67, Rue de la Tresorerie, Bordeaux, in the Empire of France, and of Shahpore Oondee, in the District of Tirhoot, in the East Indies, Indigo Planter, and of No. 3, Carlton Hill, East, in the County of Middlesex, in England, deceased, (who died on or about the 23rd day of September 1863,) are, on or before the 1st day of March 1866, to send by post, prepaid, to W. D. H. Oehme, of No. 221, Gresham House, Old Broad Street, in the City of London, the Solicitor of Matilda Finch, one of the Executors of the deceased, their Christian and surnames, addresses, and descriptions, the full particulars of their claims, a statement of their accounts, and the nature of the securities (if any) held by them, or in default thereof, they will be peremptorily excluded from the benefit of the said Decree. Every Creditor holding any security is to produce the same before the Vice-Chancellor, Sir William Page Wood, at his Chambers, situate at No. 11, New Square, Lincoln's Inn, in the County of Middlesex, on the 15th day of April 1866, at 12 o'clock at noon, being the time appointed for adjudicating on the claims. Dated this 7th day of December 1865.

W. D. H. OEHME, *Plaintiff's Solicitor.* EDWD. WEATHERALL, *Chief Clerk.*

221, Gresham House,
Old Broad Street, London.

WANTED

An Auditor of the current official year's accounts of the Medical Retiring Fund. Remuneration Rs. 300.

R. A. FINK,
Offg. Secretary.

BENGAL MEDL. RETG. FUND;
The 23rd January 1866.

NOTICE

Is hereby given, under Section VI, Act XI of 1859, that the under-mentioned estate in Zillah Patna will be put up to public and unreserved sale, at the Collector's Office of that District, on the 15th February 1866, corresponding with 16th Fagoon 1273 F. S., in execution of a decree under Act X of 1859, in favor of Mooni Loll, Karpardaz of Baboo Moorlee Ram, Baboo Huree Ram, and Boboo Sreeram, Maliks of Mouzah Jaintpore, Pergunnah Baul, in Zillah Sarun, Plaintiffs, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue:—

Class I.—Permanently settled estate Nos. 73-74, Mouzah Dearah, Chuck Deanut, and Chuck Amanut, Mahazee Bankipore Jayber, Pergunnah Azeemabad, recorded proprietor Chooni Muhtoe, Sudder Jumma, Rs. 1,854-3-9.

The rights and interests of Ramlol Muhtoe, Ticcadar, and Beharee Muhtoe, Security, are only to be sold.

ED. LOCKWOOD,
Depy. Collector in Charge.

PATNA COLLECTORATE,
The 19th January 1866.

NOTICE

Is hereby given, that sealed tenders will be received by the Secretary to Government in the Public Works Department at noon of Thursday the 15th March 1866, for the purchase of the right to a lease from Government of a portion, and an assignment of the lease of another portion of the premises now occupied by the Gun Carriage Manufactory at Colaba, and of all land and premises now in the possession of Government lying and situate between the premises now or lately belonging to the Colaba and the Apollo Land Companies on the North, and the Victoria Land Company on the South, and between the New Sea Wall now in course of construction on the East, and the Colaba main road on the West.

2. As to the piece of land colored yellow in the plan referred to in the fourth condition, and which contains about 10705½ square yards, the purchaser will be entitled, on payment of the balance of the purchase money, to an assignment of the lease under which the same is held, and which lease is dated the 23rd day of February 1818, and made between Juggonath Pandoosett of the one part, and the Hon'ble the United Company of Merchants of England trading to the East Indies of the other part, and is for the term of 99 years (renewable from time to time until the expiration of 1,000 years) from the 23rd of February 1818, subject to the yearly rent of Rupees 300.

3. The purchaser shall be entitled to no other evidence of title to the land comprised in the above lease, than the original lease itself, and he shall, at his own expense, execute a duplicate assignment of the lease containing the usual co venants for the payment of the rent thereby reserved and the observance of the covenants therein contained.

4. As to the portion on the plan colored blue, the conditions of the lease will be as follows:—

1*st.*—Lease to be for 999 years, commencing from the 15th March 1866, and to be granted on completion of the payment of the purchase money.

2nd.—A yearly rent of one pie per square yard per annum to be paid on the 15th of March of each year during the continuance of the lease.

3rd.—Lessee to be considered owner of all houses, buildings, sheds and other immoveable property on the land at the time of possession being given over.

4th.—Lessee shall have the right of filling in the land between the foreshore of the premises and the new seawall now in course of construction, as shown on a plan deposited in the Office of the Secretary to Government in the Public Works Department.

5th.—Lessee to pay all taxes, rates, &c., that may be or become due.

6th.—Land required for Police or Customs Chowkies as well on the assigned, as on the demised portion, to be given up to Government for such purposes free of valuation and rent.

7th.—The Lease to contain provisos for re-entry on breach of any of the covenants or conditions, or non-payment of the rent within twenty days after it becomes due, without any necessity for a formal demand thereof and all other clauses and conditions usually inserted in leases of a like nature.

8th.—The agreement, lease, and counterpart to be prepared by the lessor's solicitors at the lessee's expense.

9th.—The lessee not to enquire into or object to the lessor's title.

10th.—Possession of the Land, except that portion of it now in the possession of the Gun Carriage Manufactory, together with the right of filling in referred to in para. 4, will be given on the 15th March 1866 on the purchaser's completing payment of the 25 per cent. payable on that day under Clause 13.

11th.—Possession of the land now in occupation by the Gun Carriage Manufactory will not be given until the 15th of March 1868.

12th.—Each tender must be accompanied by a receipt from the Bank of Bombay for a sum of five (5) lakhs of Rupees as a deposit, and the terms of payment will be as follows :—

13th.—Persons who have given in tenders must appear at the Office of the Secretary to Government, Public Works Department, at 12 o'clock noon on Monday the 19th March 1866, and the person whose tender may be accepted, will be required at the time of acceptance (that is, on the noon of the day aforesaid) to pay such a sum as with the said sum of five lakhs already deposited, will make up a sum equal to twenty-five per cent. of the total price, and if the successful tenderer fails to make this payment, his deposit of five lakhs will be forfeited, and the Government may, if they so please, accept any other tender.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the purchase money remaining unpaid at the rate of 5 per cent. per annum from the 15th March 1866) must be paid on or before the 15th March 1867.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the unpaid purchase money at 5 per cent. per annum from the 15th March 1867) must be paid on or before the 15th March 1868.

The balance of twenty-five per cent. of the purchase money (with interest thereon at the rate aforesaid from the 15th March 1868) must be paid on or before the 15th March 1869.

14th.—The Bank of Bombay receipts deposited by the persons whose tenders are not accepted, will be returned at noon on the 19th March 1866.

15th.—Government do not bind themselves to accept the highest or any tender.

16th.—Any further information that may be required may be obtained on application at the Office of the Secretary to Government, Public Works Department, between the hours of 11 A. M. and 3 P. M. on and after the 15th day of January 1866.

By order of His Excellency the Governor in Council,

W. KENDALL, *Colonel*, R. E.,
Acting Secy. to Govt.,
Public Works Department.

BOMBAY CASTLE,
2nd January 1866.

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A Second Master for the Sehóre School, salary Rs. 150 per mensem.

Apply, forwarding testimonials, &c., to

The Political Agent in Bhopal,
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WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

LOST.

Lost, through the Post Office, a Government Note, value Twenty Rupees, No. $\frac{A}{16}$ 09545. Payment has been stopped.

H. ROBINSON,
Lieut., 98th Regiment.

The 18*th January* 1866.

LOST.

Half of a Govt. Currency Note, No. $\frac{A}{11}$ 41715, for Rs. 50.

LOST.

Second half of Government Currency Note No. $\frac{A}{4}$ 04845.

SUDDOY GHOSE.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XV, corrected in the Office of the Adjutant General up to the 1st of January, will shortly be ready. This Number will contain the List of War Services of Officers. Price Five Rupees *in advance*, and eight annas extra if sent by post. Apply to

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SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, JANUARY 27, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 19th January 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble J. N. Bullen.

The Hon'ble Mahárájá Vijayaráma Gajapati Rájá Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mhárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

RE-MARRIAGE OF NATIVE CONVERTS' BILL.

The Hon'ble MR. MAINE presented the Report of the Select Committee on the Bill to legalize, under certain circumstances, the Re-marriage of Native Converts to Christianity.

BURMESE RECORDERS' COURTS ACT AMENDMENT BILL.

The Hon'ble MR. MAINE presented the Report of the Select Committee on the Bill to amend Act No. XXI of 1863 (to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns).

CURRENCY ACT AMENDMENT ACT.

His Excellency the COMMANDER-IN-CHIEF asked permission to be allowed to correct an error into which he fell in the debate on the Currency Act Amendment Bill. He had stated in the course of his argument that the Note Circulation in the outer Circles did not reach seven lakhs of rupees. It was shown by the return, which he imagined himself to be quoting correctly, that the Notes at the several circles of Allahabad, Lahore, Nagpore, Kurrachee, Calicut, Trichinopoly, and Vizagapatam did in fact exceed a crore of rupees. He fell into his mistake in consequence of having misread a column of figures, and further from his disuse of the denomination of pounds sterling; in short he mistook a return made out in pounds for one made out rupees. He did not think, in the face of the fact stated by the Right Hon'ble Mr. Massey in the course of the debate, and of the alleged specie circulation of 100 millions of money in India, that the argument maintained by His Right Hon'ble friend or himself was at all affected by the fact of whether the circulation referred to was ten lakhs or a crore of rupees, as in either case it was utterly disproportionate to the means of a proper local

circulation of 150 millions of people. But his statement having been made publicly on the authority of the return, it was right that it should be corrected as publicly. He would further suggest that the return should be printed in the abstract of the proceedings of to-day.

Note Circulation.

	Authorized Issues of the three Chartered Banks of India before the passing of Act IX of 1861.	Actual Issues.	28th December 1865. Government Currency Notes.		
	£.	£.	£.		
			a.	*a.* Calcutta Circle ...	3,138,981
				Allahabad B. C. ...	297,312
Bank of Bengal	2,000,000	1,964,000	4,074,427	Lahore B. C. ...	461,057
				Nagpore B. C. ...	177,077
					4,074,427
			b.	*b.* Bombay Circle ...	2,673,500
Bombay	2,000,000	1,087,000	2,788,362	Kurrachee B. C. ...	114,862
					2,788,362
			c	*c.* Madras Circle ...	550,000
Madras...	1,000,000	266,000	665,646	Calicut B. C. ...	35,146
				Trichinopoly B. C. ...	41,514
				Vizagapatam B. C. ...	38,986
					665,646
As per Mr. Laing's Minute on the Currency Bill	5,000,000	3,317,000	7,528,435		
	Deduct Notes of other Circles cashed at Calcutta, Madras, and Bombay ...		78,099		
			7,450,336		

The Council adjourned till the 26th January.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

CALCUTTA,
The 19th January 1866.

HOME DEPARTMENT.

Report on Cotton grown in British Burmah.

From MESSRS. MOSLEY and HURST, Hony. Agents to the Manchester Cotton Supply Association, to Under-Secy. to the Govt. of India, Home Department,—(dated Calcutta, 16th January 1866.)

We have the honor to acknowledge receipt of your letter dated the 13th instant, accompanying copy of a communication from the Chief Commissioner of British Burmah, with enclosures, as also the specimens of Cotton referred to in para. 7 of Mr. Leed's letter, and upon which we have now to report as requested, for the information of His Excellency the Governor General in Council.

No. 1. Cotton grown in the Rangoon Cantonment, from Lucknow acclimatized N. O. Seed, fully retains the characteristics of original stock, and represents a most useful description of good color, fair staple, and strength of fibre. Home value about that of Middling Orleans, say 20*d.* per lb., on the 8th December last.

No. 2. The produce of Egyptian seed, sown in Rangoon Cantonment, likewise resembles original stock, but is somewhat irregular in length of staple, and strength of fibre—otherwise a very desirable description, and worth about 21*d.* per lb. in the Home Market.

The above mentioned specimens of Cotton are returned as requested, a small quantity being retained for transmission to the Cotton Supply Association, together with Report from the Officiating Conservator of Forests, British Burmah, relative to entire failure of Cotton experiments, 1864-65, in the Myanoung District, which is much to be regretted.

From H. LEEDS, ESQ., Officiating Conservator of Forests, British Burmah, to Assistant Secretary to the Chief Commissioner, British Burmah, Rangoon.

I have the honor to state, in reply to your letter No. 1020, dated 24th October 1865, that the reason of no Cotton Report having been sent in for the year ending 1st May 1865 was, that, owing to unusual rises of the Irrawaddee River during July and August 1864, all the plantations were inundated, some of them for 15 days, and the plants entirely destroyed.

2. The following is a statement of the plantations at Myanoung, where the Cotton experiment was tried last season: New Orleans seed sent from Lucknow by Dr. Brandis in November 1863, was sown in usual manner on ¾th of an acre of ground early in July, and was reported as germinating freely on the 16th July.

3. Egyptian and Pernambuco Cotton, received from the Agricultural Society in Calcutta, together with some old Myodwin mixed seed (acclimatized), and mentioned in former Reports, were sown early in August on one acre of ground at Myanoung inside the embankment, and ⅓rd acre outside, near the Office.

4. All these plantations were destroyed by the inundation of the river, which lasted for upwards of 15 days.

5. A second sowing of a small quantity of New Orleans seed was made after the river had subsided in September, and the plants were reported to be thriving on the 17th October; but it was too late in the year to expect any satisfactory result from this experiment, as the rains generally cease towards the end of October; and last year, as will be seen by reference to the Forest Report, there was no rain in the Tharrawaddee District after September, and the heat soon destroyed the Cotton plants.

6. Thus, then, most unfortunately the whole of the Cotton experiments in the Myanoung District, where they had been concentrated for better supervision, failed entirely.

7. In Rangoon, on the spot of ground in Cantonment mentioned in former Reports, some New Orleans (Lucknow acclimatized) seed, as also a small quantity of Egyptian, received from Messrs. Mosley and Hurst, were sown; specimens of which are herewith forwarded for report.

8. The seed of these varieties, of which we hold about 40lbs., together with what we may obtain from late planting this season, are the only acclimatized seed which remain to us, and are being carefully preserved for sowing next year, when it is to be hoped that more success will attend the cultivation.

9. Owing to the departure of the Deputy Conservator to Europe, on sick leave, in May, and the accidental death of the Officer who succeeded him in June, the season for sowing this year passed over without any responsible Officer being able to devote time to the planting, until too late to hope for any favorable result.

10. I must remark, before closing this most unsatisfactory Report, that, while the unusual rise of the river is the cause of much of the damage that occurred, it is evident that the Deputy Conservator did not make sufficient inquiry before selecting the spots of ground for his experiments.

11. The sum spent on experiments was Rs. 382-12.

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No. 5.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 3, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 26th January 1866, and is hereby promulgated for general information :—

ACT No. III OF 1866.

An Act to confer certain increased powers on the Registrars of the Recorders' Courts in British Burmah, and for other purposes.

Preamble.

Whereas it is expedient to confer upon the several Registrars of the Recorders' Courts in British Burmah certain increased powers; It is enacted as follows :—

Power to Registrars appointed under Act XXI of 1863 to make certain orders interlocutory.

1. Every Registrar appointed under Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said Towns*) may, in the absence of the Recorder of the Court to which such Registrar is appointed, make all such orders for arrest before judgment, for attachment of property before judgment, for the protection, management, and custody of property in dispute in any suit, for injunctions restraining breaches of contract or wrongful acts, sa such Recorder if present might make.

Such orders may be altered or reversed on application.

2. Every order made by any Registrar in the exercise of the powers conferred upon him by this Act may be altered or reversed upon the application of any person, whether a party to the suit or not, who may deem himself to be aggrieved by such order.

Application may be made to and disposed of by Registrar.

3. Every such application may be made to and disposed of by the Registrar of the Court in which such order shall have been made in the absence of the Recorder of such Court.

Registrar to take down evidence.

4. The Registrar to whom any such application shall be made, shall take down the evidence given upon the hearing of such application.

Appeal against orders made by Registrar.

5. Every order made by a Registrar in pursuance of this Act shall be subject to an appeal, under the general rules applicable to appeals from orders, to the Recorder of the Court by the Registrar of which such order shall have been made.

Power to appeal to Recorder in his absence.

6. In case of the absence of the Recorder before whom the appeal is brought, the person appealing may make such application by way of petition, and may require the the Registrar from whose order such appeal shall be brought, to transmit to such Recorder copies of such petition and of all the evidence received by the Registrar upon the hearing of the application from the order upon which such appeal shall have been brought.

Power to Recorder to alter or reverse the order appealed against.

7. Such Recorder may affirm, alter, or reverse the order from which such appeal shall be brought, or postpone the further consideration of such appeal until the next sittings of the Court in which such order shall have been made.

Time within which appeals to be brought.

8. No appeal from any order made by any Registrar under the powers conferred by this Act, nor any application to alter or reverse such order, shall be brought after the conclusion of the sittings of the Court in

which such order shall have been made, which shall commence next after the making of such order.

Registrar to receive affidavits and administer oaths.

9. Every Registrar appointed under the said Act shall have power to receive affidavits and to administer oaths and affirmations in all suits which may or shall be depending in any Court established under the said Act.

Trial of case in which Recorder is a party or witness.

10. In case the Recorder of any Court established under the said Act shall be a party, or a necessary witness to or in any suit or proceeding instituted in such Court, such suit or proceeding and all applications therein shall be heard and determined by the Commissioner of the Division in which such Court shall be situated, and such Commissioner shall in every such suit or proceeding have and exercise all the powers by the said Act or by this Act vested in such Recorder.

Provision for vacancy of the Office of Recorder.

11. Upon the happening of a vacancy in the Office of Recorder and during any absence of a Recorder from British Burmah, the Governor-General of India in Council shall appoint any person with such qualifications as are required by the said Act in persons to be appointed Recorders, to perform the duties of Recorder. The person so appointed shall be authorized to sit and perform the duties of Recorder until some person shall have been appointed by the Governor-General in Council to the Office of Recorder and shall have entered on the discharge of the duties of such Office, or until the Recorder shall have returned from such absence.

Registrar's powers as a Small Cause Court Judge exerciseable by Recorder.

12. So far as regards Small Causes, all or any of the powers and duties conferred and imposed on any Registrar by this Act or under or by virtue of Sections thirty-five and thirty-six of Act No. XXI of 1863, may be exercised and performed by the Recorder of the Court to which such Registrar is attached.

Power to appoint an Officiating Registrar.

13. Whenever any person holding the Office of Registrar under Act No. XXI of 1863, shall obtain leave of absence or be disabled through illness from performing his duties, it shall be lawful for the Recorder of the Court to which such Registrar is attached, or, in his absence, for the Commissioner of the Division in which such Court is situate, to appoint some person to officiate as Registrar; and such person while so officiating shall have the same powers and perform the same duties as the Registrar of such Court under this Act and any other law for the time being in force. Any person appointed under this Section may hold at the same time any other office under Government.

Power to make rules of practice.

14. The Recorder of any Court established under the said Act shall have power to make and issue general rules for regulating the practice and procedure of his Court, and to prescribe forms for every proceeding therein for which he shall think that a form should be provided, and from time to time to alter any such rule or form; and the rules so made, and the forms so framed, shall be published in the Official Gazette, and after being so published shall be observed and used in the said Court: Provided that such rules and forms shall not be inconsistent with the Code of Civil Procedure or any other law for the time being in force, and shall, before they are published, have received the sanction of the Chief Commissioner of British Burmah.

This Act to be read with Act XXI of 1863.

15. This Act shall be read with, and taken as part of, the said Act No. XXI of 1863.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 19th January 1866.

We the undersigned, the Members of the Select Committee of the Council of the Governor-General of India for the purpose of making Laws and Regulations, to whom the Bill to legalize, under certain circumstances, the re-marriage of Native Converts to Christianity was referred, have the honour to report as follows:—

1. The Bill and the legislative proceedings relating to it having been extensively circulated with the express object of eliciting opinion from the various persons and religious communities interested in the measure, a very great number of papers having reference to it have been received in the Legislative Department. A list of them will be found in the Appendix to our Report. Most of these communications discuss the principle of the proposed Bill, and on these we will only remark that the weight of opinion, so far as it can be collected from them, appears to be in favour of the measure. The details of the Bill are, however, criticized in a certain number of the documents which have been sent in. To such criticisms we have given our careful attention, and we have derived from them much valuable assistance.

2. In compliance with the nearly unanimous wish of the persons and bodies which have addressed the Legislature on the subject, we have provided in the Bill, as amended by us, for the dissolution of the former marriage in all cases where the Petitioner obtains a decree permitting re-marriage. The change necessitates an alteration in the title of the Bill, and enables us to omit several Sections which were contained in the original draft.

3. We propose that the procedure to be followed when the Petitioner is a female shall differ in some respects from the procedure prescribed by the Bill in the case of male Petitioners. We are of opinion, after careful consideration, that the difficulties attending compulsory private interviews in cases where the convert is a female, and the husband retains his native religion, are insuperable. We have, therefore, provided that in such cases the male respondent shall be merely interrogated by the Judge, and that upon his reiterated refusal to cohabit with the Petitioner, a decree shall be made

dissolving the marriage. But we have introduced a proviso that, if the Petitioner so desire, the procedure shall be in all respects identical with that which male Petitioners are bound to follow.

4. The degree of respect due to infant marriages is a subject a good deal discussed in the papers before us. We have not thought fit to assume the absolute nullity of such marriages, but we propose that when the parties have reached the age which admits of a suit being instituted under the Bill, the unconverted partner shall be once interrogated, and that, in case of a refusal to cohabit, a decree shall issue.

5. We provide that there shall be no appeal from any of the orders passed in a suit under the Bill. While the power of appeal, however limited, might be employed to protract the proceedings to an inordinate length, we think it would be of little service to the ends of justice, the questions to be tried being necessarily for the most part questions of fact of the simplest kind, and the Court empowered to try them being a tribunal of dignity and authority, the District Court in the Mofussil, and the High Court on its original side in the Presidency Towns.

6. As apprehension is expressed in many of the papers before us that the expense of the proceedings will be beyond the means of the classes to which the converts in general belong, we have reduced the stamp on the petition from ten rupees to two.

7. A point which we have anxiously considered is the claim of the Roman Catholics to be exempted from the Bill. The Roman Catholic Clergy have addressed to us several urgent representations which will be found among the papers circulated through the Council, and they deputed Dr Hartmann, the Vicar-Apostolic of Patna, to confer with the Legislative Department on the subject of the proposed legislation. While they express their approval of the principle of the measure, and affirm that it has always had the sanction of their Church, they assert that they have a procedure of their own, founded on the Canon-law and of much antiquity, which, though it does not widely differ from the procedure prescribed by the Bill, is, nevertheless, not exactly identical with it. They aver that it would be against their conscience and their duty to substitute any secular procedure for that which their own ecclesiastical authorities direct to be observed. As we are satisfied of the existence of such a procedure, and as we feel ourselves compelled to attach weight to the fact that the British Government in Ireland and in its Colonial dependencies has never attempted to interfere with Roman Catholic discipline on the subjects of marriage and divorce, we have thought fit to introduce a Section which will have the effect of placing the Roman Catholic Clergy and their converts on the same footing in which they would have been if Act XXV of 1864 and Act V of 1865 had not passed.

8. The communications which we have hitherto noticed have proceeded from persons or bodies professing the Christian religion. Other documents have been received by us which discuss the provisions of the measure from the point of view of the unconverted partner whose marriage is sought to be dissolved.

9. The Mahometans claim to be totally exempted from the Bill. The Mahometan community of Bengal, in a temperately worded petition, have represented that, by the law of their religion, which is also the secular law applicable to marriage and divorce, the conversion of either husband or wife from Mahometanism entails a cancelment of the marriage so complete that the partners cannot re-marry without certain special formalities. They cite many passages from their religious writers in favour of their proposition, and the greatest part of their petition is occupied with a representation of the consequences which would follow if persons who, on the assumption that the view taken by the petition is correct, are no longer husband and wife, were confronted in the manner directed by the Bill. As the force of the argument depends wholly on the soundness of the legal position taken up, we have attentively considered the authorities cited, and have had them critically examined by our Hon'ble colleague, Mr. Muir, whose competency to deal with a question of the kind will not be disputed. We have convinced ourselves accordingly that the view taken by the Mahometan petitioners is correct, and we find that the law is similarly laid down in English text-books of Mahometan jurisprudence written before the Bill was contemplated. Inasmuch, however, as the authorities cited are from writers held in respect, more particularly by the Sunni section of Mahometans, we thought proper to communicate on the subject, through the Chief Commissioner of Oudh, with the Mujtahid, the religious head of the Shiah Mahometan community. The law laid down by him corresponds exactly with the allegations of the Petitioners. Under these circumstances, it is not only undesirable, but impossible, to include Mahometans in the Bill. The re-marriage of a convert to Christianity from Mahometanism is not forbidden by any existing law. Nor is the celebration of such marriage an illegal act.

10. Some attempt has been made to show that the conversion of a married person from Hindúism to another religion entails a divorce by force of law. We are not, however, satisfied with the arguments by which this view is supported, and, moreover, it is only maintained in the case, comparatively rare in practice, where the wife is a convert, while the husband remains a Hindú. We have, therefore, retained the procedure of the Bill in its application to Hindúism and other Native religions of India. At the same time, we believe that most, if not all, of the objections advanced by Hindús to the measure may be met by provisions which are not at variance with its spirit. In our endeavours so to neutralize these objections, we have been much aided by papers circulated by our Hon'ble colleagues the Mahárájá of Vizianagram and the Mahárájá of Burdwan, and also by a petition from the British Indian Association of Bengal.

11. We have provided, in the amended Bill, that wherever the respondent is a female who, under the Code of Civil Procedure, would be excused from personal appearance in Court, she shall be exclusively interrogated by Commissioners. We have given a similar privilege to all female respondents whom, whether they be entitled to exemption from appearance under the Code or not, the Judge in his discretion may think fit to relieve from the necessity of personal attendance. We have further adopted a suggestion made both by the Mahárájá of Vizianagram and by the Mahárájá of Burdwan, and have permitted the Judge to compose the Commission either wholly of females or of males and females together. The Judge is also empower-

ed to depute to delegates, who may be females, the discretion which is vested in him with respect to interviews between the convert and the unconverted partner.

12. The only Section of the Bill as originally drafted, which related to the custody of children, was one which provided, that children in the sole custody of the father should be given up to the mother until they attained the age of three. We find that objections have been made to this Section from opposite points of view. After weighing these objections, we are disposed to accede to the opinion expressed by our late colleague, Mr. Harington, and to admit that the Legislature would do wisely to abstain from regulating the guardianship or custody of children born before the conversion of the father or mother. We propose, therefore, to omit the Section. The effect will be to leave the general law of India to decide all questions of guardianship, and of the right to custody of the persons of the children.

13. We recommend, that the Bill as amended by us be passed; but that it be published for at least three weeks previously in the *Gazette of India*, together with our present Report.

JOHN LAWRENCE.
C. BEADON.
H. S. MAINE.
G. N. TAYLOR.
W. MUIR.
S. ST. J. GORDON.

The 15th January 1866.

APPENDIX.

From Secretary to Government of Bombay, dated 23rd December 1852.

From Reverend John Wilson, D. D., dated 17th January 1852.

From Secretary to Government of Bengal, dated 3rd August 1853.

From Reverend J. Parry, Marriage Registrar, Jessore, dated 17th November 1852.

From Under Secretary to Government of Bengal, dated 25th November 1852.

From Solicitor to the East India Company, dated 10th December 1852.

From Under Secretary to Government of Bengal, dated 16th December 1852.

From Marriage Registrar, Jessore, dated 14th July 1853.

Minute by the Most Noble the Governor-General, dated 12th August 1853.

Minute by the Honourable Mr. Lowis, dated 16th August 1853.

Minute by the Honourable Mr. Dorin, dated 17th August 1853.

Minute by the Honourable Mr. Peacock, dated 18th August 1853.

Minute by the Most Noble the Governor-General, dated 26th August 1853.

Minute by the Honourable Mr. Lowis, dated 27th August 1853.

Minute by the Honourable Mr. Dorin, dated 29th August 1853.

Minute by the Honourable Mr. Peacock.

From Officiating Secretary to Government of India, Home Department, dated 30th September 1853.

From ditto ditto, dated 30th September 1853.

From the Government of India, to the Hon'ble the Court of Directors, dated 30th September 1853.

From Under Secretary to Government of Bengal, dated 3rd November 1853.

From Secretary to Government of India, Home Department, dated 18th November 1853.

From the Honourable the Court of Directors, dated 7th December 1853.

Draft Bill by the Honourable Mr. Peacock.

From Reverends W. Knight and H. Straith, dated 26th July 1860.

From Secretary to Calcutta Missionary Conference, dated 10th October 1863.

From Secretary to Government of Bengal, dated 9th August 1864.

From Secretary to Calcutta Missionary Conference, dated 29th July 1864.

From Secretary to Government of India, Home Department, dated 29th August 1864.

From Reverend J. Mullens, D. D., to the Hon'ble H. S. Maine, dated 9th November 1864.

From Orissa Missionary Conference, to the Hon'ble H. S. Maine, dated 14th December 1864.

Petition of the Clergymen of the Church of England, resident in Calcutta and its neighbourhood.

Remarks and suggestions by the Hon'ble the Mahárájá of Burdwan, dated 18th January 1865.

Memorial of the Bombay Association.

Remarks and suggestions by the Hon'ble the Mahárájá of Vizianagram, dated 23rd March 1865.

Petition of certain Protestant Missionaries and Ministers, resident in and near Calcutta, dated 7th March 1865.

Petition of the Reverend Angus McKenna, Missionary of the Baptist Society, dated 18th January 1865.

From Reverend E. Edwards, Monghyr, dated 8th May 1865.

Petition of the Members of the Benares District Committee of the London Missionary Society.

From Dr. Mullens, Secretary, Missionary Conference, Calcutta, dated 12th July 1865.

From Reverend H. Heinig, Benares, dated 13th March 1864.

From Reverend J. Buckley, Orissa Mission, Cuttack, dated 21st April 1865.

From Reverend E. Parker, Moradabad, dated 5th May 1865.

From Reverend A. Rudolph, Loodianah, dated 17th April 1865.

From Reverend A. Miller, Balasore, dated 13th March 1865.

From Reverend W. Tracy, and the American Mission, Madura, dated 29th May 1865.

From Reverend J. W. Gordon, Vizagapatam, dated 10th May 1865.

From Reverend S. C. Dean, Sattara, dated 11th April 1865.

From Reverend F. Kremmer and the Leipsig Mission, Madras, dated 11th May 1865.

From Reverend J. M. Haswell, Moulmein, dated 24th May 1865.

From Reverend E. A. Stevens, and the American Mission, Rangoon, dated 10th May 1865.

Returns of cases illustrating the "Re-marriage of Converts' Act."

Remarks by Dr. Mullens.

From Bishop and Vicar Apostolic, Madras, No. 95, dated 6th July 1865.

Petition of Protestant Missionaries and Ministers, resident in and near Madras.

From Right Reverend the Lord Bishop of Calcutta, dated 15th August 1865.

Reverend K. M. Banerjea's reasons for signing the clerical petition against the Re-marriage of Converts' Bill.

Statistics of the Bhowanipoor Church, London Missionary Society.

Statistics of the Free Church Mission in Bengal.

Statistics of the S. P. G. and other Missions in Tallygunge, Howrah, and Calcutta.

From Reverend R. R. Winter, M. A., S. P. G. Missionary, Delhi, dated 11th April 1865.

From Reverend Tarachand, Missionary at Delhi, dated 5th May 1865.

From Reverend H. Stern, Missionary, Goruckpore, dated 28th February 1865.

From some of the Church Missionaries at Benares, dated 22nd June 1865.

From Reverend A. R. Symonds, Madras, dated 9th March 1865.

Extract from Minutes of the Tinnevelly Missionary Conference held at Elanjunie, dated 5th April 1865.

From Reverend W. T. Sattbianadhan, Madras, dated 25th March 1865.

From Reverend S. Slater, Simla, dated 1st March 1865.

The Lord Bishop's pastoral letter to the Clergy of the Diocese of Calcutta, dated 25th February 1865.

From the Ven'ble the Archdeacon, Calcutta, dated 23rd September 1865.

Memorial of the Clergy of the Diocese of Calcutta.

Appendix to Memorial (Statement of separation, reconciliation, &c.)

Notes on the above Statement.

Petition of American Missionaries residing in the Bombay Presidency, dated 26th August 1865.

Petition of the Protestant Missionaries of the United Presbyterian Church of Scotland, Rajpootana.

Extract from the *Calcutta Christian Intelligencer* for September 1865.

Memorandum of the Tinnevelly Local Committee of the Society for the Propagation of the Gospel, dated 21st August 1865.

From the Right Reverend the Lord Bishop of Bombay, dated 6th November 1865.

Memorial from the Clergy of the Church of England, resident in Bombay.

Memorial from the Right Reverend Dr. A. Hartmann, Bishop, Vicar Apostolic of Patna, dated 23rd November 1865.

Petition from Joseph Owen, Moderator, on behalf of the Synod of Northern India, Umballa, dated 20th November 1865.

From the Right Reverend the Lord Bishop of Madras, dated 18th November 1865.

Resolution of a Meeting of the S. P. G. Missionaries in Tanjore Division.

Extract from Minutes of Conference of the C. M. S. Missionaries, Tinnevelly dated 5th April 1865.

Extract from Minutes of the Quarterly Meeting of the Masulipatam Church Missionary Conference, dated——August 1865.

From Reverend Dr. Murphy, Chaplain, Registrar of the Diocese of Madras, dated 10th May 1865.

From Reverend R Collins, Principal of the C. M. S. College at Cottayam, Travancore.

From Reverend C. E. Kennet, S. P. G. Missionary, Tinnevelly, dated 24th March 1865.

From Reverend C. S. Kohlhoff, S. P. G. Missionary, Tanjore Division, dated 25th September 1865.

From Reverend H. Baker, C. M. S. Missionary, Travancore, dated 30th September 1865.

From Missionaries of the Basel German Mission.

One groaning under the Marriage Act of 1864, dated 23rd November 1865.

Memorial of the Catholic Bishops of Southern India.

From Reverend F. Schurr, dated 9th November 1865.

Petition of certain Native Christian subjects in Bengal.

Remarks on the pamphlet containing the memorial of the Clergy of the diocese of Calcutta, and the Reverend K. M. Banerjea's introductory remarks.

Memorial of the Native Hindú community of the North-Western Provinces and Punjab, dated 29th November 1865.

Memorial of the British Indian Association, dated 7th December 1865.

From Maháráj of Benares, dated 31st January 1865.

Petition of Free Presbytery of Bombay, dated——December 1865.

Petition of the Mahomedan inhabitants of the town and suburbs of Calcutta.

Petition of the Presbyterial Body of the Church of Scotland in Bombay.

From Moonshee Ameer Ali, dated 20th December 1865.

Petition of Native Christians residing in Ahmednuggur, Bombay, dated 13th December 1865.

Opinion of Mujtahid or Chief Authority of the Shiahs, Lucknow.

Petition of certain Hindús.

Memorial of certain Native Christians.

AMENDED BILL.

A Bill to legalize, under certain circumstances, the dissolution of marriages of Native Converts to Christianity.

Preamble.

Whereas it is expedient to legalize, under certain circumstances, the dissolution of marriages of Native Converts to Christianity deserted or repudiated, on religious grounds, by their wives or husbands; It is enacted as follows:—

Short title.

1. This Act may be cited as "The Native Converts' Divorce Act, 1866."

Commencement of Act.

2. This Act shall commence and take effect on and from the first day of May 1866.

Interpretation of terms "Native Husband."

3. In this Act—

"Native Husband" shall mean a married man domiciled in British India, who shall have completed the age of sixteen years, and shall neither be a Christian, a Mahomedan, nor a a Jew:

"Native Wife."

"Native Wife" shall mean a married woman domiciled in British India, who shall have completed the age of thirteen years, and shall neither be a Christian, a Mahomedan, nor a Jewess:

"Native Law."

"Native Law" shall mean any law, or custom having the force of law, of any persons domiciled in British India other than Christians, Mahomedans and Jews:

"Month" and "year."

"Month" and "year" shall respectively mean month and year according to the British calendar:

"Number."

And, unless there be something repugnant in the subject or context, words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Convert deserted by his wife on religious grounds may sue for conjugal society.

4. If a Native husband change his religion for Christianity, and if in consequence of such change his Native wife, for the space of six continuous months, desert or repudiate him, he may sue her for conjugal society.

Convert deserted by her husband on religious grounds may sue for conjugal society.

5. If a Native wife change her religion for Christianity, and if in consequence of such change her Native husband, for the space of six continuous months, desert or repudiate her, she may sue him for conjugal society.

6. If the respondent, at the time of commencement of such suit, reside within the local limits of the ordinary original civil jurisdiction of any of the High Courts of Judicature, the suit shall be commenced in such Court: otherwise it shall be commenced in the principal Civil Court of original jurisdiction of the District in which the defendant shall reside at the commencement of the suit.

Court in which suit shall be brought.

7. The suit shall be commenced by a petition in the form in the first schedule to this Act, or as near thereto as the circumstances of the case will allow. The statements made in the petition shall be verified by the Petitioner in the manner required by law for the verification of plaints; and the petition shall bear a stamp of two rupees, and may be amended by permission of the Court.

Suit to be commenced by verified petition.

8. A copy of the petition shall be served upon the respondent, and the Court shall thereupon issue a citation under the seal of the Court and signed by the Judge.

On service of petition, citation issued to respondent.

9. In ordinary cases the citation shall be in the form in the second schedule to this Act, or as near thereto as the circumstances of the case will allow. But where the respondent is exempt by law from personal appearance in Court, or where the Judge shall so direct, the citation shall be in the form in the third schedule to this Act, or as near thereto as the circumstances of the case will allow.

Form of citation.

10. A copy of the citation sealed with the seal of the Court shall be served on the respondent; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to citations under this Act.

Service of citation.

11. If the respondent shall not obey such citation, and comply with every other requirement made upon her or him under the provisions of this Act, she or he shall be liable to punishment under Section 174 of the Indian Penal Code.

Procedure where respondent does not obey citation.

12. On the day fixed in the citation the petitioner shall appear in Court, and the following points shall be proved:—

Points to be proved on appearance of parties.

(1.) The identity of the parties:

(2.) The marriage between the Petitioner and the respondent:

(3.) That the male party to the suit has completed the age of sixteen years, and that the female party to the suit has completed the age of thirteen years:

(4.) The desertion or repudiation of the Petitioner by the respondent:

(5.) That such desertion or repudiation was in consequence of the Petitioner's change of religion;

(6.) And that such desertion or repudiation had continued for the six months immediately before the commencement of the suit.

13. The respondent, if such points be proved to the satisfaction of the Judge, shall thereupon be asked whether she or he refuses to cohabit with the Petitioner, and, if so, what is the ground of such refusal. In ordinary cases such interrogation and every other interrogation prescribed by this Act shall be made by the Judge, but when the respondent is exempt by law from personal appearance in Court, or when the Judge shall, in his discretion, excuse the respondent from such appearance, the interrogations shall be made by Commissioners acting under such Commission as hereinafter mentioned.

First interrogation of respondent.

14. Every interrogation mentioned in this Act and made by the Judge may, at the discretion of the Judge, take place in open Court or in his private room. If any such interrogation take place in open Court, the Judge may, so long as it shall continue, exclude from the Court all such persons as he shall think fit to exclude.

Interrogations by Judge may be public or private.

15. If the respondent be a female, and in answer to the interrogatories of the Judge or Commissioners, as the case may be, shall refuse to cohabit with the Petitioner, and allege, as the ground for such refusal, that the Petitioner has changed his religion, the Judge shall make an order adjourning the case for one month, and directing that in the interim the parties shall, at such place and time as he shall deem convenient, have a private interview of such length as the Judge shall direct with the view of ascertaining whether or not the respondent freely and voluntarily persists in such refusal. Such interview shall be subject to any conditions as to privacy which the Judge shall think fit: Provided that no condition which might interfere with the ascertainment of the respondent's wishes respecting such refusal shall be imposed upon such interview.

Adjournment for a month if female respondent refuses to cohabit on account of Petitioner's conversion.

Parties in the interim to have a private interview.

16. At the expiration of such adjournment, the Petitioner shall again appear in Court, and if the respondent, on being interrogated by the Judge or Commissioners, as the case may be, again refuse to cohabit with the Petitioner, and allege, as the ground for such refusal, the Petitioner's change of religion, the suit shall be adjourned one year.

Second interrogation of female respondent.

Adjournment for a year.

17. At the expiration of such adjournment, the Petitioner shall again appear in Court, and shall prove that the said desertion or repudiation had continued up to the time last hereinbefore referred to.

Point to be proved on expiration of adjournment.

18. If the points mentioned in the twelfth and seventeenth Sections of this Act shall be proved to the satisfaction of the Judge, he shall adjourn the suit for one month, and direct that in the interim the parties shall have another interview of such length and subject to

On proof of the requisite points, suit to be adjourned for a month, and parties to have another interview.

such conditions as mentioned in the fifteenth Section of this Act.

At expiration of adjournment, if female respondent refuse to cohabit, decree to pass dissolving marriage.

19. At the expiration of such adjournment, the Petitioner shall again appear in Court; and if the respondent on being interrogated by the Judge or Commissioners, as the case may be, again refuse to cohabit with the Petitioner, and allege the Petitioner's conversion as the ground for such refusal, the respondent shall be taken to have finally deserted or repudiated the Petitioner, and the Judge shall, by a decree under his hand and sealed with the seal of his Court, declare that the marriage between the parties is dissolved.

Decree in case of male respondent refusing to cohabit on the ground of Petitioner's change of religion.

20. If the respondent be a male, and in answer to the interrogatories of the Judge or Commissioners, as the case may be, shall refuse to cohabit with the Petitioner, and allege as the ground for such refusal that the Petitioner has changed her religion, the Judge shall adjourn the case for a year. At the expiration of such adjournment, the Petitioner shall again appear in Court; and if the respondent on being interrogated by the Judge or Commissioners, as the case may be, again refuse to cohabit with the Petitioner, the Judge shall thereupon pass such a decree as last aforesaid: Provided that if the Petitioner shall so desire (but not otherwise), the proceedings in the suit shall, *mutatis mutandis*, be the same as in the case of a female respondent.

Proviso.

Decree if respondent so refuse in the case of an unconsummated marriage, either party being *impubes* at time of marriage.

21. Notwithstanding anything hereinbefore contained, if it shall appear at any stage of the suit that both or either of the parties had not attained puberty at the date of their marriage, and that such marriage has not been consummated; and if, in answer to the interrogatories made pursuant to the thirteenth Section of this Act, the respondent shall refuse to cohabit with the Petitioner and allege, as the ground for such refusal, that the Petitioner has changed his or her religion, the Judge shall thereupon pass such a decree as last aforesaid.

Liberty to parties to marry again.

22. When any decree dissolving a marriage shall have been passed under the provisions of this Act, it shall be as lawful for the respective parties thereto to marry again as if the prior marriage had been dissolved by death, and the issue of any such remarriage shall be legitimate, any Native law to the contrary notwithstanding. Provided always that no Minister of religion shall be compelled to solemnize the marriage of any person whose former marriage may have been dissolved under this Act, or shall be liable to any suit or penalty for refusing to solemnize the marriage of any such person.

Judge may order Commission to issue for examination of exempted persons.

23. In suits instituted under this Act, the Judge may order a Commission to issue to such persons, whether males or females or both, as he shall think fit, for the examination on interrogatories or otherwise of any persons so exempt as aforesaid. The provisions of the Code of Civil Procedure shall, so far as practicable, apply to Commissions issued under this Section.

Proof of the marriage, and the desertion or repudiation of Petitioner in consequence of conversion.

24. At any stage of a suit instituted under this Act, cohabitation as man and wife shall be sufficient presumptive evidence of the marriage of the parties, and proof of the respondent's refusal or voluntary neglect to cohabit with the Petitioner, after his or her change of religion, and after knowledge thereof by the respondent, shall be sufficient evidence of the respondent's desertion or repudiation of the Petitioner, and shall also be sufficient evidence that such desertion or repudiation was in consequence of the Petitioner's change of religion, unless some other sufficient cause for such desertion or repudiation be proved by the respondent.

Provisions of Civil Procedure Code as to witnesses to apply in suits under this Act.

25. The provisions of the Code of Civil Procedure, as to the summoning and examination of witnesses, shall apply in suits instituted under this Act.

Delegation by Judge of powers vested in him in reference to interviews.

26. In suits instituted under this Act, the Judge may, in his discretion, delegate to two or more persons, who may be males or females or both, all or any of the authority and discretion hereby vested in him in reference to all or any of the interviews hereinbefore mentioned.

Dismissal of suit if either party is under the age required by the Act, or if the parties are cohabiting, or the respondent is willing to cohabit.

27. If at any stage of the suit it be proved that the male party to the suit is or was at the institution thereof under the age of sixteen years, or that the female party to the suit is or was at the same time under the age of thirteen years, or that the Petitioner and the respondent are cohabiting as man and wife, or if the Court is satisfied by the evidence adduced that the respondent is ready and willing so to cohabit with the Petitioner, the Court shall pass a decree dismissing the suit, and stating the ground of such dismissal.

Revival of suit after such dismissal.

28. If at any time after a decree dismissing the suit upon any of the grounds mentioned in the last preceding Section, the respondent again desert or repudiate the Petitioner upon the ground of his or her change of religion, the suit may be revived by summoning the respondent; and upon proof of the former decree and of such renewed repudiation or desertion, the suit shall recommence at the stage at which it had arrived immediately before the passing of such decree; and, after the proofs, interrogations, interviews and adjournments which may then be requisite under the provisions hereinbefore contained, the Judge shall pass a decree of the nature mentioned in the nineteenth Section of this Act.

Petitioner's cruelty or adultery to bar the suit.

29. If at any stage of the suit it be proved that the respondent has deserted or repudiated the Petitioner solely or partly in consequence of the Petitioner's cruelty or

adultery, the Court shall pass a decree dismissing the suit and stating the ground of such dismissal. A suit dismissed under this Section shall not be revived.

Male Petitioner's cohabitation with one of several wives to bar the suit.

30. If the Petitioner, being a male, has at the time of the institution of the suit two or more wives, he shall make them all respondents; and if at any stage of the suit it be proved that he is cohabiting with one of such wives as man and wife, or that any one of such wives is ready and willing so to cohabit with him, the Court shall pass a decree dismissing the suit and stating the ground of such dismissal. The provisions as to revival contained in the twenty-eighth Section of this Act shall apply, *mutatis mutandis*, to a suit dismissed under this Section.

Dissolution of marriage not to affect status or rights of children.

31. A dissolution of marriage under the provisions of this Act, shall not operate to deprive the respondent's children (if any) by the Petitioner of their status as legitimate children, or of any right or interest which they would have had, according to the Native law applicable to them by way of maintenance, inheritance or otherwise, in case the marriage had not been so dissolved as aforesaid.

Power to Court to award alimony.

32. If a suit be commenced under the provisions of this Act, and it appear to the Court that the wife has not sufficient separate property to enable her to maintain herself suitably to her station in life, and to prosecute or defend the suit, the Court may, pending the suit, order the husband to furnish the wife with sufficient funds to enable her to prosecute or defend the suit, and also for her maintenance pending the suit. If the suit be brought by a husband against a wife, the Court may by the decree order the husband to make such allowance to his wife for her maintenance during the remainder of her life as the Court shall think just, and having regard to the condition and station in life of the parties. Any allowance so ordered shall cease from the time of any subsequent marriage of the wife.

No appeal against orders and decrees under this Act.

33. No appeal shall lie against any order or decree made or passed by any Court under the provisions of this Act.

Saving of Roman Catholic marriages.

34. Nothing contained in this Act or in Acts Nos. XXV of 1864 and V of 1865 shall be taken to render invalid any marriage of a Native convert to Roman Catholicism if celebrated in accordance with the rules, rites, ceremonies and customs of the Roman Catholic Church; and no Clergyman of such Church shall be liable to any suit or penalty under the provisions of either of the two Acts last hereinbefore mentioned, for solemnizing any such marriage.

Extent of Act.

35. This Act shall extend to all the territories that are or shall become vested in Her Majesty or Her successors by the statute 21 and 22 Vic., cap. 106, entitled "An Act for the better government of India," except the Settlement of Prince of Wales' Island, Singapore and Malacca. But it may be extended, with the consent of the Governor-General of India in Council, by order of the Governor of such Settlement to all or any part of the territory subject to his Government; and he may, with such consent as aforesaid, determine the Court in which suits against residents in such territory shall be commenced under the provisions of the Act. In case of such extension, if the Indian Penal Code shall not then apply to the said Settlement, the respondent's personal appearance pursuant to this Act may be enforced by such procedure as the said Governor, with such consent as aforesaid, shall provide in that behalf.

THE FIRST SCHEDULE.

Form of Petition.

Stamp Rs. two

To the Judge of the Civil Court of

The day of 18 .

The petition of A. B. of

Sheweth :—

1. That your Petitioner was born on or about the day of 18 .

2. That your Petitioner was on the day of in the year 18 lawfully married to C. D. at

3. That the said C. D. is now of the age of years or thereabouts.

4. That after his said marriage, your Petitioner lived and cohabited with his said wife at aforesaid until the day of 18 ; and that there are now living children, and no more, of such marriage, aged respectively and years.

5. That previous to the day of 18 your Petitioner changed his religion for Christianity, and that on such day he was baptised and became a member of the Church of

6. That on the day of 18 [*at least six months prior to the date of the petition*], the said C. D. deserted your Petitioner, and has not since resumed cohabitation with him.

7. That such desertion was in consequence of your Petitioner's said change of religion.

8. That there is no collusion nor connivance between your Petitioner and the said C. D.

Your Petitioner therefore prays that your Honour will order the said C. D. to live and cohabit with your Petitioner, or declare that your Petitioner's marriage is dissolved.

A. B.

Form of Verification.

I, A. B., the Petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

THE SECOND SCHEDULE.

Form of Citation in ordinary Cases.

To C. D. of

Whereas A. B. of claiming to have been lawfully married to you, the said C. D. has filed his [*or* her] petition against you in the Civil Court of alleging that you the said C. D. have deserted him [*or* her] for six months in consequence of his [*or* her] having changed his [*or* her] religion for Christianity, and praying that unless you consent to live and cohabit with him [*or* her] it may be declared that his [*or* her] marriage is dissolved: Now this is to command you that, at the expiration of days [*at least one month*] from the date of the service of this on you, you do appear in the said Court then and there to make answer to the said petition, a copy whereof, sealed with the seal of the said Court is herewith served upon you.

And take notice that in default of your so appearing, you will be liable to punishment under Section 174 of the Indian Penal Code.

Dated the day of 18 .

(Signed) E. F.

Judge of the Civil Court of

Indorsement to be made after service.

This citation was duly served by G. H. on the within named C. D. of at on the day of 18

(Signed) G. H.

THE THIRD SCHEDULE.

Form of Citation in case of Respondent exempt from appearance in Court.

To C. D. of

Whereas A. B of claiming to have been lawfully married to you, the said C. D. has filed his [*or* her] petition against you in the Civil Court of alleging th.t you the said C. D. have deserted him [*or* her] for six months in consequence of his [*or* her] having changed his [*or* her] religion for Christianity, and praying that, unless you consent to cohabit with him [*or* her], it may be declared that his [*or* her] marriage is dissolved. Now this is to command you that, at the expiration of days [at least one month] from the service of this on you, you do hold yourself in readiness to answer and do answer such interrogatories as may be put to you by Commissioners duly authorized in that behalf under a Commission issued by this Court, in reference to the said petition, a copy whereof, sealed with the seal of the said Court, is herewith served upon you.

And take notice that in default of your so holding yourself in readiness and answering such interrogatories, you will be liable to punishment under Section 174 of the Indian Penal Code.

Dated the day of 18 .

(Signed) E. F.

Judge of the Civil Court of

Indorsement to be made after service.

This citation was duly served by G. H. on the within named C. D. of at on the day of 186

(Signed) G. H.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 26th January 1866, and was referred to a Select Committee, with instructions to make their report thereon in six weeks:—

THE INDIAN REGISTRATION ACT, 1866.

ARRANGEMENT OF SECTIONS.

PART I.

SECTION. *Preliminary.*

1. Short Title.
2. Interpretation Clause.
3. Laws repealed.
4. Repeal of rules relating to the Registration of Assurances in certain Territories.
5. Power to invest Head Executive Officer of Territories under immediate administration of Government of India with authority vested by this Act in Local Governments.

PART II.

Of the Registration Establishment.

6. General Registry Office.
   Branch General Registry Office.
7. Formation and alteration of Districts and Sub-Districts.
8. Establishment of Registry and Sub-Registry Offices.
9. Appointment of Registrars and Sub-Registrars.
10. Registrar of a Presidency Town may act as Sub-Registrar.
11. Appointment of Deputy Registrar General to perform duties of Registrar General, under Sections 32 and 73 of this Act during his absence on duty.
12. Provision for cases of absence of Registrars or vacancy in the office.
13. Provision for cases of absence of Sub-Registrars or vacancy in the office.
14. Remuneration and Establishments of Registry Officers
15. Seals of Registering Officers.
16. Registry Books.
    Forms.
    Fire-proof boxes.

PART III.

Of registrable Documents.

17. Instruments of which the registration is compulsory.
    Proviso as to leases in Madras.
    And as to shares and debentures.
18. Documents of which the registration is optional.
19. Documents containing interlineations, erasures or alterations
20. Description of parcels in Instruments relating to immoveables.
21. Documents in language not understood by Registering Officer.

PART IV.

Of the Time of Registration.

22. Time for registering instruments of which the registration is compulsory.

SECTION.

23 Time for registering documents of which the registration is optional.
24. Provision where delay in registering is unavoidable.
25. Provision for last day of period for registration falling on a holiday.
26. Wills or authorities to adopt may be registered at any time.
27. Alteration of Act No. XIV of 1859, Section 1, Clause 10.
28. Saving of time prescribed by Statute for registration of Instruments.

PART V.

Of the Place of Registration.

29. Place for registering instruments relating to immoveables.
30. Place for registering other instruments.
31. Place for registering instruments affecting immoveable property situate in one or more than one District.
32. Registration by Registrar General of instruments referred to in Section 29.
33. Discretionary registration by Registrar.
34. Registration or acceptance for deposit at private residence.
Exception.

PART VI.

Of the Presentation of Instruments for Registry.

35. Presentation of Instruments for registration.
36. Powers of Attorney recognizable for purposes of Section 35.
Proviso as to persons exempt from appearing in Court.
37. Enquiry before registration by the Registering Officer.

PART VII.

Of the Enforcement of Attendance of Executants and Witnesses.

38. Where attendance of necessary presenter or witness is desired.
39. Where such person is not within the District or Sub-District.
40. Law as to summonses, Commissions and witnesses in Civil suits to apply to summonses, Commissions and witnesses under this Act.

PART VIII.

Of the Registration of Memoranda of Decrees and Orders affecting immoveable Property and sent by the Court to a Registry Office.

41. Memorandum of decree affecting registered Instrument relating to immoveable property to be sent to the Office in which such Instrument shall have been registered.
42. Memorandum of decree affecting immoveable property to be sent to Registrar.
43. Costs of registration of memorandum of decrees and orders.

PART IX.

Of the Registration of Wills and Authorities to adopt.

44. Persons entitled to register Wills and authorities to adopt.
Presentation or delivery of Wills and authorities to adopt.
45. Withdrawal of sealed cover deposited under Section 44.
46. Proceedings on death of depositor.
Re-deposit.

PART X.

Of the Fees for Registration, Searches and Copies.

47. Fees for registration, searches and copies to be fixed by local Government.
Table of Fees.
48. Fees and penalties to be credited to Government.

PART XI.

Of the Effects of Registration and non-Registration.

SECTION.

49. Time from which registered document operates.
50. Effect of non-registration of documents required to be registered.
51. Priority of certain registered Instruments.
52. Registration doubles period of limitation in suits under a written contract for money lent, or interest, or breach of contract.

Special Registration of Obligations for Payment of Money.

53. Enforcement of obligation registered with agreement recorded that amount secured may be recovered summarily.

PART XII.

Of the Duties and Powers of Registering Officers.

(A) As to the Registry Books.

54. Registry Books to be kept in the several Offices.
55. Entries to be numbered consecutively.
56. Indexes to be kept.
57. Registered documents to be copied according to order of admission.
58. Registering Officers to allow inspection of certain Registry Books and to give certified copies of entries.

(B) As to the Procedure on admitting to Registration.

59. Entries to be made as to persons examined.
Record of conflicting statements.
60. Particulars to be endorsed on Instruments admitted to registration.
61. Such endorsement to be signed and authenticated.
62. And returned with a certificate showing number and page of book in which document has been registered.
63. Power to administer oaths.
Provision as to evidence.

(C) Special Duties of Sub-Registrar.

64. Sub-Registrar to forward in duplicate abstracts of Instruments affecting immoveable property and registered in his Office.
65. Procedure on Sub-Registrar's registration of Instrument relating to immoveable property situate in one District but in more than one Sub-District.
66. Procedure on Sub-Registrar's registration of Instrument referring to immoveable property situate in several Districts.

(D) Special Duties of Registrar.

67. Registrar to forward to General Registry Office abstracts of Instruments affecting immoveable property and registered in his Office.
68. Filing in Registrar's Office of abstracts made by Sub-Registrar.
69. Procedure on registering instruments under Section 33.
70. Procedure on receipt of memorandum under Section 41.
Procedure on receipt of memorandum under Section 42.
71. Procedure on deposit of Wills or Authorities to adopt.

(E) Of the Registrar General.

72. Mode of registration by Registrar General.
73. Procedure on registration by Registrar General.
74. Filing in General Registry Office of abstracts of entries.

(F) Of the Controlling Powers of Registrars and Registrars General.

75. Registrar to superintend and control Sub-Registrars.
76. Powers of Registrar General.
Power to frame rules.
77. No appeal from order admitting to registration.

PART XIII.

Of Refusal to register.

SECTION.

78. Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.
79. Registrar may alter or revise orders of Sub-Registrar refusing registration.
80. Procedure where Registrar refuses to register documents falling under Section 17 or Section 18, Clause 1, 2 or 3.
81. Registering Officer not to be liable for any thing *bonâ fide* done or refused in his official capacity.

PART XIV.

Miscellaneous.

82. Registry of Instruments executed by Government Officers or certain public functionaries.
83. Penalty for incorrectly copying, translating, abstracting or registering documents with intent to injure.
84. Penalty for making false statements before Registering Officer.
85. Registers kept under former enactments to be transferred to Registrar of the District.
86. References to Act No. XVI of 1864 to be read as if made to this Act.
87. Commencement of Act in Bengal, Madras and Bombay.
Power to extend Act to other Territories.
Time for registering Instruments executed in such Territories before extension.

No. 3 OF 1866.

A Bill to amend Act No. XVI of 1864 (*to provide for the Registration of Assurances*).

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the Registration of Assurances; It is enacted as follows:—

PART I.

Preliminary.

Short Title.

1. This Act shall be called "The Indian Registration Act, 1866."

Interpretation clause.

2. In this Act—unless there be something repugnant in the subject or context—

"British India."

"British India" denotes the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore and Malacca:

"Year" and Month."

"Year" and "Month" denote a year or month respectively by the British Calendar.

"Section."

"Section" denotes a Section of this Act:

"Lease."

"Lease" includes a counterpart, a kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease.

"Will."

"Will" includes a codicil and every writing making a voluntary posthumous disposition of property.

"Instrument."

"Instrument" does not include a Will nor an authority to adopt.

"Immoveable Property."

"Immoveable Property" includes land, rights to ways, lights, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth; but not standing timber, growing crops nor grass.

"Moveable Property."

"Moveable Property" includes standing timber, growing crops, grass, fruit upon trees, and property of every other description, except immoveable property.

"Book."

"Book" includes a portion of a Book and also any number of sheets connected together with a view of forming a Book or portion of a Book.

"Endorsement." "Endorsed."

"Endorsement" and "Endorsed" include and apply to an entry in writing by a Registering Officer on a rider or covering-slip to any document tendered for registration under this Act

"Representative."

"Representative" includes the Committee of a lunatic and the manager of his estate.

"Oath."

"Oath" includes a solemn affirmation.

"Person."

"Person" includes any Company or association or body of persons whether incorporated or not.

Number. Gender.

Words in the singular number include the plural; words in the plural number include the singular, and words importing the masculine gender include females;

"Local Government."

And in any part of British India in which this Act operates, "Local Government" denotes the person or persons authorized by law to administer the Executive Government in such part: "High Court" denotes the highest Civil Court of appeal therein: "District Court" means the principal Civil Court of original jurisdiction in a District, and includes the High Court in its ordinary original Civil jurisdiction; and "Civil Court" includes a Revenue Court, but not a Court for the relief of insolvent debtors.

"High Court." "District Court." "Civil Court."

"District" "Sub-district."

"District" "and Sub-District" respectively mean a District and Sub-District formed under this Act.

Laws repealed.

3. Acts No. XVI of 1864 and No. IX of 1865 are hereby repealed, except in so far as the former Act rescinds other Acts or Regulations, and except as regards things duly done and penalties incurred under the Acts hereby repealed or either of them. And all things duly done under the same Act or either of them shall be considered as having been done under this Act.

Repeal of rules relating to the Registration of Assurances in certain Territories.

4. From the date on which this Act shall be extended as hereinafter provided to any part of British India in which the Acts herein before mentioned are not in force, all Rules and Regulations relating to the Registration of Assurances in force in such part of British India shall cease to have effect, except as regards documents duly registered under any of such Rules or Regulations.

Power to invest Head Executive Officer of Territories under immediate administration of Government of India with authority vested by this Act in local Governments.

5. It shall be lawful for the Governor-General of India in Council, by an order to be published in the *Gazette of India*, to declare that in any Territory under the immediate administration of the Government of India, the Head Executive Officer of such Territory shall exercise all or any of the powers vested by this Act in the local Governments; and thereupon such Officer shall, for the purposes of this Act, be the local Government of such Territory.

PART II.

Of the Registration Establishment.

General Registry Office.

6. The local Government shall establish within the Territories subject to such Government, at such place as it shall think fit, an Office to be called the General Registry Office, and shall appoint an Officer to the charge of such Office, who shall be the Registrar General of the Territories for which he is appointed. The local Government may also, with the previous sanction of the Governor-General of India in Council, establish a Branch General Registry Office and appoint a Branch Registrar General; and every act done by or before any Branch Registrar General so appointed shall have the same effect as if done by or before a Registrar General. Provided that such Branch Registrar General shall not exercise the power to frame rules conferred on the Registrar General by Section 76 of this Act. Any Registrar General or Branch Registrar General may hold simultaneously any other office under Government.

Branch General Registry Office.

Formation and alteration of Districts and Sub-Districts.

7. For the purposes of this Act the local Government shall form Districts and Sub-Districts, and shall prescribe and from time to time may alter the limits of such Districts and Sub-Districts. A Sub District may be conterminous with a District, or may be situate partly in one District and partly in another.

Each of the Presidency Towns of Calcutta, Madras and Bombay shall for the purposes of this Act be formed into a District.

The Districts and Sub-Districts formed under this Section, together with the limits thereof, and every alteration of such limits shall be notified by the local Government in the Official Gazette immediately after every such formation or alteration. Every such alteration shall take effect immediately after such notification.

Establishment of Registry and Sub-Registry Offices.

8. The local Government shall establish in every District an Office to be styled the Registry Office, and in every Sub-District an Office to be styled the Sub-Registry Office.

Appointment of Registrars and Sub-Registrars.

9. The local Government may appoint such persons, whether Public Officers or not, as it may think proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-Districts formed as aforesaid respectively.

Registrar of a Presidency Town may act as Sub-Registrar.

10. In each of the Presidency Towns the Registrar may perform all the duties of a Sub-Registrar under this Act.

Appointment of Deputy Registrar General to perform duties of Registrar General under Sections 32, 73 and 74 of this Act during his absence on duty.

11. During the absence on duty of the Registrar General from the place where the General Registry Office is established, it shall be lawful for him to appoint the Registrar of such place, or, with the previous sanction of the local Government, such other person as he shall think fit, to perform the duties of the Registrar General under Sections 32, 73 and 74 of this Act. A Registrar so appointed shall perform such duties in addition to his own duties as Registrar. During such absence the Registrar or other person so appointed as aforesaid shall be styled the Deputy Registrar General, and may use the Seal of the Registrar General.

Provision for cases of absence of Registrars, or vacancy in the Office.

12. In case of the absence of any Registrar other than the Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, any person whom the Registrar General shall appoint in this behalf, or, in default of such appointment, the Judge of the District Court shall, during such absence or vacancy, be the Registrar. In case of the absence of the Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, it shall be lawful for the Registrar General to appoint any person whom he may think proper to conduct the duties of the Office of such Registrar.

Provision for cases of absence of Sub-Registrars, or vacancy in the Office.

13. In case of the absence of any Sub-Registrar, or of a vacancy occurring in the Office of any Sub-Registrar, any person whom the Registrar of the District shall appoint in this behalf shall, during such absence or vacancy, be Sub-Registrar.

Remuneration and establishments of Registry Officers.

14. It shall be lawful for the local Government, with the previous sanction of the Governor-General of India in Council, to assign such salaries as such Government may from time to time deem proper, to the Registrar General, Branch Registrar General, the Registrars, and the Sub-Registrars appointed under

this Act, or to provide for the remuneration of such Officers by fees, or partly by fees and partly by salaries. It shall also be lawful for the local Government, with the like sanction, to allow such establishments for the several Registry Offices as may be necessary for the purposes of this Act.

Seals of Registering Officers.

15. The Registrar General, Branch Registrar General, and the several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the local Government shall direct: "The seal of the Registrar General (or of the Branch Registrar General, or of the Registrar, or of the Sub-Registrar) of ."

Registry-Books.

16. The local Government shall provide for the Office of every Registering Officer such books as may be necessary for the purposes of this Act. The books so provided shall contain such forms as shall from time to time be prescribed by the Registrar General, with the sanction of the local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the Officer by whom such books shall be issued. The local Government shall further supply the Office of every Registrar with a fire-proof box.

Forms.

Fire-proof boxes.

PART III.

Of registrable Documents.

Instruments of which the registration is compulsory.

17. The Instruments next hereinafter mentioned shall be registered, provided the property to which they relate shall be situate in a District in which, and provided they shall have been executed on or after the date on which the said Act No. XVI of 1864 or this Act shall have come or shall come into operation (that is to say) :—

1. Instruments of gift of immoveable property:

2. Leases of immoveable property for any term exceeding one year :

3. Instruments (other than an instrument of gift or lease as aforesaid) which purport or operate to create, declare, assign, transfer, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent, of a value exceeding one hundred rupees in any immoveable property; and

4. Instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, transfer, limitation or extinction of any such right, title or interest—

Proviso as to leases in Madras,

Provided that this Section shall not apply to any lease executed between landlord and tenant relative to land in the Presidency of Madras liable to the payment of revenue to Government, but any such lease may be registered under Section 18, subject to the provisions of Sections 23 and 87: Provided also that this Section shall not apply to any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company shall consist in whole or in part of immoveable property, nor to any endorsement upon or transfer of any debenture issued by any such Company.

And as to shares and debentures.

Documents of which the registration is optional.

18. Any of the documents next hereinafter mentioned may be registered under this Act, (that is to say) :—

1. Any instrument which purports or operates to create, declare, assign, transfer, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of value equal to or less than one hundred rupees in immoveable property;

2. Any instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer or extinction of any such right, title or interest;

3. Any lease of immoveable property for a term not exceeding a year;

4. Any award relating to immoveable property;

5. Any instrument which purports or operates to create, declare, transfer or extinguish any right, title or interest in moveable property;

6. Any Will or Authority to adopt a son;

7. Any Acknowledgment, Agreement, Articles of Partnership, Appointment, Assent, Award, Assignment, Bill of Exchange, Bill of Sale, Bond, Conditions of Sale, Confirmation, Contract, Copies of Decrees, Covenant, Disclaimer, Extension of Term of Partnership, Grant, Instrument of Composition, Instrument of Dissolution of Partnership, Instrument of Partition, Lease, Map, Marriage Certificate, Plan, Power of Attorney, Promissory Note, Release, Settlement, Survey, Surrender, Writing of Divorcement, and any other document not hereinbefore mentioned.

Documents containing interlineations, erasures or alterations.

19. No document shall be accepted for registration if any interlineation, erasure or alteration shall appear thereon, unless the persons executing the same shall attest with their signatures, initials or marks such interlineation, erasure, or alteration, and it shall be the duty of the Officer registering such instrument, at the time of registering it, to make a note in the Register of such interlineation, erasure or alteration.

Description of parcels in instruments relating to immoveables.

20. No instrument relating to immoveable property shall be accepted for registration unless it shall contain a description of such property sufficient, in the opinion of the Registering Officer, to identify the same. Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being

in the District and Sub-District in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

Documents in language not understood by Registering Officer.

21. If any document presented for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a copy and a translation into a language commonly used in the District; and such translation shall be registered and such copy shall be filed in his Office; and for the purpose of making the other copies and the abstracts required by this Act, the translation shall be treated as if it were the original.

PART IV.

Of the Time of Registration.

Time for registering instruments of which the registration is compulsory.

22. Subject to the provision contained in Section 24 of this Act, no instrument of the descriptions mentioned in Section 17, Clauses 1, 2, 3 and 4, shall be accepted for registration unless presented for that purpose to the proper Officer within four months from the date of its execution: provided that where there are several persons executing it at different times, the instrument may be presented for registration and re-registration within four months from the date of each execution.

Time for registering documents of which the registration is optional.

23. Subject to the provision contained in Section 24 of this Act, no document of any of the descriptions mentioned in Section 18 (other than a Will or Authority to adopt a son), shall be accepted for registration unless presented for that purpose to the proper Officer within two months from the date of its execution: provided that where there are several persons executing it at different times, the document may be presented for registration and re-registration within two months from the date of each execution.

Provision where delay in registering is unavoidable.

24. If any such document shall, owing to urgent necessity or unavoidable accident, not have been presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, it shall be lawful for the Registrar of the District, in cases where the delay in presentation shall not exceed six months, to direct that on payment as a penalty of four times the amount of the proper registration fee, such instrument shall be accepted for registration.

Provision for last day of period for registration falling on a holiday.

25. Whenever the last day of any period hereinbefore provided for the registration of any document shall fall on a Sunday or other holiday authorized as hereinafter mentioned, such last day shall, for the purposes of this Act, be deemed to be the day immediately following such Sunday or other holiday.

Wills or Authorities to adopt may be registered at any time.

26. Any Will or Authority to adopt a son may at any time be registered in manner hereinafter provided.

Alteration of Act No. XIV of 1859, Section 1, Clause 10.

27. In Act No. XIV of 1859, Section 1, Clause 10, the last Clause shall be read as if for the words 'within six months from the date thereof' the words 'within the time prescribed in that behalf by "The Indian Registration Act, 1866", were substituted.

Saving of time prescribed by Statute for registration of instruments.

28. Nothing in this Act shall be taken to alter the time within which any certificate or other document must be registered under the provisions of "The Bankrupt Law Consolidation Act, 1849", Section 143, or any other Statute.

PART V.

Of the Place of Registration.

Place for registering instruments relating to immoveables.

29. Save as in this Act otherwise provided, every instrument mentioned in Section 17, Clauses 1, 2, 3 and 4, and Section 18, Clauses 1, 2, 3, and 4, shall be presented for registration in the Office of the Sub-Registrar within whose Sub-District the property to which such instrument relates is situate.

Place for registering other instruments.

30. Every instrument other than an instrument referred to in the last preceding Section, may be presented for registration in the Office of the Sub-Registrar within whose jurisdiction such instrument is executed, or at any Registrar's Office under the same local Government, at which the persons presenting such instrument shall desire it to be registered.

Place for registering instruments affecting immoveable property situate in one or more than one District.

31. Every instrument affecting immoveable property situate in one or in more than one District, may be presented for registration to any Sub-Registrar within whose Sub-District any part of such property is situate.

Registration by Registrar General of instruments referred to in Section 29.

32. The Registrar General may in his discretion receive and register any instrument referred to in Section 29, without regard to the situation in any part of British India of the property to which the instrument relates.

Discretionary registration by Registrar.

33. Any Registrar may in his discretion receive and register any instrument referred to in Section 29 which might be registered by any Sub-Registrar in his District. He shall also register Wills and Authorities to adopt.

34. In ordinary cases the registration or deposit of documents under this Act shall be made only at the public Office of the Officer whose duty it shall be to register the same: but any such Officer may on special cause being shown attend at the place of residence of any person intending to register any document, or of any person desiring to deposit a Will or Authority to adopt a son, and register or accept for registration or deposit such document, Will or Authority. Every Sub-Registrar so attending shall within twenty-four hours report to the Registrar to whom he is subordinate the fact of the attendance and his reason therefor.

Registration or acceptance for deposit at private residence.

Exception.

PART VI.

Of the Presentation of Instruments for Registry.

35. Every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the Office in which such document is to be registered, by some person executing or claiming under the same, or by the representives or assigns of such person, or by the agents of such person, representatives or assigns, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

Presentation of instruments for registration.

36. For the purposes of the last preceding Section, the powers of attorney next hereinafter mentioned shall alone be recognized, (that is to say)—

Powers of attorney recognizable for purposes of Section 35

(*a*) If the principal at the time of executing the power of attorney reside in any part of British India in which this Act operates, a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District the principal resides:

(*b.*) If the principal at the time aforesaid reside in any other part of British India, a power of attorney executed before and authenticated by the Judge of the principal Court of original Civil jurisdiction within the local limits of whose jurisdiction the principal resides:

(*c.*) If the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public or any Court, Judge, Consul or Magistrate:

Any power of attorney mentioned in this Section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

Provided that persons exempt by law from personal appearance in Court, shall not be required to attend at the Office of the Registrar or Sub-Registrar, or in the Court of the Judge for the purpose of executing any such power of attorney as mentioned in Clauses (*a*) and (*b*) of this Section; but in every such case the Registrar or Sub-Registrar or Judge (as the case may be), if satisfied that the power of attorney has been been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the Office or Court aforesaid To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge may either himself go to the house of the person purporting to be the principal and examine him, or issue a Commission for the examination of such person.

Proviso as to persons exempt from appearing in Court.

37 On the persons executing any document, or their representatives, assigns or agents, authorized as aforesaid, appearing before the Registering Officer for the purpose of obtaining the registration of such document, he shall enquire whether such document was executed or not by the persons by whom it purports to have been executed, and satisfy himself of the right of any person to appear as the representative, assign or agent of any person whom he shall claim to represent. If all the persons executing the document appear personally before the Registering Officer and are personally known to him, or, in case they are not personally known to him, if they satisfy him that they are the persons they represent themselves to be, and if they all admit the execution of the document, and, in the case of any person appearing by authorized agent, if such agent shall admit the execution of the document, the Registering Officer shall register the same. The Registering Officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one then present in his Office. Such examination may, if he shall think fit, be upon oath.

Enquiry before registration by the Registering Officer

PART VII.

Of the Enforcement of Attendance of Executants and Witnesses.

38. If any person presenting any instrument for registration shall desire the attendance of any person required to attend on the presentation of the instrument or any person whose testimony is necessary for the registration of such instrument by a Registering Officer, such Officer may in his discretion, and if the person whose attendance is so desired shall be within his District or Sub-District, issue a summons requiring him to attend at the Office of such Officer at a time named in such summons. Provided that persons exempt by law from personal appearance in Court shall not be required to attend at the Office, but in every such case, the registering Officer shall either himself go to the house of such person and examine him, or order a Commission to issue for his examination.

Where attendance of necessary presenter or witness is desired.

39. If the person whose attendance is so required is not within the District or Sub-District of the Registering Officer, such Officer may forward a summons to the Registering Officer in whose jurisdiction such person resides, and the Officer last hereinbefore mentioned shall cause such summons to be served upon the person whose attendance is required as aforesaid.

Where such person is not within the District or Sub-District.

Law as to summonses, commissions and witnesses in civil suits to apply to summonses, commissions and witnesses under this Act.

40. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

PART VIII.

Of the Registration of Memoranda of Decrees and Orders affecting Immoveable Property and sent by the Court to a Registry Office.

Memorandum of decree affecting registered instrument relating to immoveable property to be sent to the Office in which such instrument shall have been registered.

41. When any Civil Court shall by a decree or order declare any instrument relating to immoveable property, which shall have been registered under this Act, to be invalid, or when any Civil Court shall pass a decree or order affecting any such instrument, and such last mentioned decree or order shall create, declare, assign, transfer, limit or extinguish any right, title or interest under such instrument in the immoveable property to which it relates, such Court shall cause a memorandum of the decree or order to be sent to every Registrar within whose District such immoveable property or any part thereof is situate.

Memorandum of decree affecting immoveable property to be sent to Registrar.

42. When any Civil Court shall, by a decree or order, create, declare, transfer, limit or extinguish any right, title or interest of any person in any immoveable property situate in any part of British India in which this Act shall operate, such Court shall cause a memorandum of the said decree or order to be sent to every Registrar within whose District such immoveable property or any part thereof is situate.

Costs of registration of memorandum of decrees and orders.

43. The costs of and attending the registration under Sections 41 and 42, of any memorandum of a decree or order shall be costs in the cause, and shall be paid by the Court to such person and in such way as the local Government shall direct in that behalf.

PART IX.

Of the Registration of Wills and Authorities to adopt.

Persons entitled to register Wills and Authorities to adopt.

44. The testator, or any person claiming as executor or otherwise under a Will, may register any Will, and the donor or donee of any authority to adopt, or the adoptive son, may register any such authority. Any person entitled to register any such Will or authority may either personally or by a duly authorized agent present to a Registrar such Will or authority open, and any testator or donor of such authority may deliver to a Registrar the Will or authority in a sealed cover superscribed with the name of the depositor and the nature of the document.

Presentation or delivery of Wills and Authorities to adopt.

Withdrawal of sealed cover deposited under Section 44.

45. If the depositor of any such sealed cover shall wish to withdraw the same, it shall be lawful for him to apply to the Registrar in whose Office such document shall have been deposited, that the same be delivered up to him; and the Registrar, if satisfied as to the identity of the depositor with the applicant, shall deliver up the cover accordingly.

Proceedings on death of depositor.

46. If on the death of the depositor of a sealed cover under Section 44, application be made to the Registrar in whose Office such cover was deposited to open the same, the Registrar, after satisfying himself that the depositor is dead, shall, in the presence of the person making such application, open the cover, and shall copy, at the expense of the applicant, the contents thereof, of in a Register of Wills and authorities to adopt. When such copy shall have been entered, the Registrar shall re-deposit the original Will or authority until required to produce the same in Court.

Re-deposit.

PART X.

Of the Fees for Registration, Searches and Copies.

Fees for registration, searches and copies to be fixed by local Government.

47. Subject to the approval of the Governor-General of India in Council, the local Government shall prepare a Table of Fees payable—

For the registration of documents;

For searching the Registers:

For making or granting copies of entries, abstracts or documents, either on or after registration;

And of extra or additional fees payable—

For every registration by a Registrar General under Section 32; or by a Registrar under Section 30 or 33;

For special registration under Section 53;

For the issue of Commissions;

For filing translations;

For attending at private residences;

And for such other matters as shall to the local Government appear necessary to effect the purposes of this Act.

Table of fees.

The local Government may from time to time, subject to the like approval, alter such Table. A Table of the Fees so payable shall be published in the Official Gazette, and shall be exposed to public view in every Office established for the registration of documents, and no document shall be accepted for registration, and no copy shall be granted, and no search shall be made or allowed until the fee prescribed in that behalf shall have been paid.

48. All fees received under the provisions of this Act (not being fees payable under Section 14 of this Act to Officers who are paid wholly or in part by fees), and all penalties received under Section 24 of this Act shall be remitted to such Treasury as the local Government shall from time to time direct, and be credited to Government.

Fees and penalties to be credited to Government.

PART XI.

Of the Effects of Registration and Non-registration.

49. A registered document shall operate from the time from which it would have commenced to operate if no registration had been required or made, and not from the time of its registration.

Time from which registered document operates.

50. No instrument required by Section 17 to be registered shall be received in evidence in any Civil proceeding in any Court, or shall be acted on by any Public Officer as defined in the Indian Penal Code, unless it shall have been registered in accordance with the provisions of this Act.

Effect of non-registration of documents required to be registered.

51. Every instrument of the descriptions mentioned in Clauses 1, 2 and 3 of Section 18 shall, if duly registered, have priority to any other instrument relating to the same property, whether such other instrument be of the same nature as the registered instrument or not.

Priority of certain registered instruments.

52. Suits to recover money lent, or interest, or for the breach of any contract may be brought within six years from the time when the cause of suit arose, in every case in which there is an engagement or contract in writing, provided that such engagement or contract be duly registered under this Act.

Registration doubles period of limitation in suits under a written contract for money lent or interest or breach of contract.

Special Registration of Obligations for Payment of Money.

53. Whenever the obligor and obligee of an obligation for the payment of money shall at the time of registering the same under the provisions of this Act apply to the Registering Officer to record their agreement, that in the event of the obligation not being duly satisfied, the amount may be recovered as hereinafter provided, the Registering Officer, after making such enquiries as he may think proper, shall record such agreement at the foot of the endorsement and certificate required by Sections 60 and 62, and such record shall be signed by him and by the obligor and obligee of the obligation and shall be copied into the Register Book No. 3. Every such obligation may be enforced summarily by any Court which would have had jurisdiction to try a regular suit thereon for the recovery of the amount: Provided that the application for the enforcement of the same be made within one year from the date on which the amount becomes payable, or where the amount is payable by instalments, within one year from the date on which the last instalment becomes payable. The obligation shall be enforced as a decree in a suit under the rules applicable to the execution of decrees in the Court in which the application for enforcement is made, but subject to any provisions contained in any law for the time being in force, in relation to the summary enforcement of obligations registered with such agreement as aforesaid. The application for the enforcement of an obligation under this Section shall be written on a stamp paper of one-fourth the value prescribed by law for a plaint in a suit to recover the same amount: Provided that nothing herein contained shall be construed as giving any right to a summary decree for foreclosure or sale in case of immoveables.

Enforcement of obligation registered with agreement recorded, that amount secured may be recovered summarily.

PART XII.

Of the Duties and Powers of Registering Officers.

(*A*) *As to the Registry Books.*

54. The following Books shall be kept in the several Offices hereinafter named (that is to say):—

Registry Books to be kept in the several Offices.

In all Registry Offices :—

Book 1.—"Register of instruments affecting immoveable property,"

Book 2.—"Register of Decrees and Orders of Court affecting immoveable property,"

Book 3.—"Register of deposits of Wills and Authorities to adopt," and

Book 4.—"Register of Wills and Authorities to adopt:"

In the Offices of all Registrars and Sub-Registrars :—

Book 5.—"Register of instruments specially registered under Section 53,"

Book 6.—"Miscellaneous Register,"

Book 7.—"Record of Powers of Attorney," and

Book 8.—"Record of reasons for refusal to register:"

In the Offices of the Registrar General and all Registrars :—

Book 9.—"Register of Abstracts."

In Book 1 shall be entered all documents registered under Section 17 and the first four Clauses of Section 18. In Book 2 shall be entered all Memoranda of Decrees and Orders of Court registered under Section 42 of this Act. In Book 5 shall be entered all instruments specially registered under Section 53, whether such instruments have also been entered in Book 1 or not. In Book 6 shall be entered all documents registered under Clauses 5 and 7 of Section 18, and not entered in Book 5. In Book 7 shall be entered an abstract of every power of attorney attested before the Registering Officer as provided in Section 36. In Book 9 shall be entered abstracts mentioned in Sections 66, 73, 74.

Entries to be numbered consecutively.

55. All entries shall be numbered in a consecutive series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Indexes to be kept.

56. Two indexes shall be prepared in each Office for each year, one containing the names and descriptions of all persons executing and also the names (if any) and descriptions of all persons claiming under every document registered in the Office during that year, and the other, in the case of immoveable property, containing the name of the village or place where the property is situate, together with a description of the property and its name, (if any) and such other particulars and in such form as the Registrar General shall from time to time prescribe under Section 76.

Registered documents to be copied according to order of admission.

57. Every document shall be dated on presentation and on being admitted to registration shall be copied in the book appropriated therefor under the provisions herein contained, according to the order of its admission.

Registering Officers to allow inspection of certain Registry Books and to give certified copies of entries.

58. Subject to the previous payment of such fees as may be payable in that behalf, the Registry Books Nos. 1, 2 and 4 shall be at all times open to inspection by any person applying to inspect the same, and copies of any entry in such Registry Books shall be given, certified by the Registering Officer, to all persons applying for such copies. Copies of entries in Registry Books Nos. 3, 5 and 6, certified as aforesaid, shall be given to any person executing or claiming under the documents to which the entries respectively refer; but the requisite search for such entries shall be made only by the Registering Officer. All such copies when certified as aforesaid shall be *primâ facie* evidence of the contents of the entries of which they have respectively been made.

(B.)—As to the Procedure on admitting to Registration.

Entries to be made as to persons examined.

59. The Registering Officer shall enter in the Registry Book the name and address in full of every person whom he may examine pursuant to this Act, and may also, when the statements made before him are conflicting, record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he shall admit the correctness of such note, it shall be signed by the Registering Officer.

Record of conflicting statements.

Particulars to be endorsed on documents admitted to registration.

60. On every document admitted to registration, there shall be endorsed the following particulars, (that is to say)—

1. The day, hour and place of presentation:

2. The names in full of the persons executing the document: and if it shall have been presented by the representatives, assigns or agents of any persons, the names of such representatives, assigns or agents:

3. The name and address in full of every, person who may have been examined in reference to such document under any of the provisions of this Act; and

4. Any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt of consideration made in his presence in reference to such execution.

Such endorsement to be signed and authenticated.

61 The endorsement mentioned in the last preceding Section shall be signed by every person executing the document, or by his representative or assign, or by his agent, and shall be authenticated by the seal and signature of the Registering Officer.

And returned with a certificate showing number and page of book in which document has been registered.

62. After the provisions of Sections 57, 60 and 61 shall have been complied with, the document shall be returned to the person who shall have presented the same for registration, or to such other person (if any) as he shall, in presence of the Registering Officer, have nominated in writing in that behalf, with a certificate containing the number and page of the book in which the document shall have been registered. Such certificate shall be *primâ facie* evidence that the document has been duly registered in manner provided by this Act and that the facts mentioned in the certificate have occurred as therein mentioned. Provided that registrations *bonâ fide* made by any Registering Officer shall not be deemed invalid merely by reason of defect or irregularity in the appointment of or in the procedure followed by such Officer

Power to administer oaths.

63. It shall be lawful for every Registering Officer at his discretion to administer an oath to any person examined by him under the provisions of this Act; and it shall not be necessary for such Officer to take down, read over or sign the evidence of any such person otherwise than is expressly provided by this Act.

Provision as to evidence.

(C) Special Duties of Sub-Registrar.

Sub-Registrar to forward in duplicate abstracts of instruments affecting immoveable property and registered in his Office.

64. An abstract of every original instrument affecting immoveable property registered in the Office of any Sub-Registrar, shall, with a copy of the certificate under Section 62, be forwarded in duplicate within seven days from the date of registration to the Registrar to whom he is subordinate.

65. Every Sub-Registrar on registering a document relating to immoveable property which, though situate in one District, is not wholly situate in his own Sub-District, shall forward a copy thereof, and of the endorsement and certificate thereon to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate; and every such Sub-Registrar shall register an abstract of the same in his Book No. 1, and file the copy in his Office.

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in one District, but in more than one Sub-District.

66. Every Sub-Registrar on registering any instrument which refers to immoveable property situate in more Districts than one, shall forward a copy thereof and of the endorsement and certificate thereon to the Registrar of every District in which any part of such property is situate other than the District in which his own Sub-District is situate. The Registrar on receiving the copy shall register an abstract thereof in his Book No. 9, and forward copies to the Sub-Registrars subordinate to him within whose Sub-District any part of such property is situate; and every Sub-Registrar receiving such copy shall register an abstract of the same in his Book No. 1, and file the copy in his Office.

Procedure on Sub-Registrars' registration of instrument referring to immoveable property situate in several Districts.

(*D.*) *Special Duties of Registrar.*

67. An abstract of every original instrument affecting immoveable property registered in the Office of any Registrar, shall, with a copy of the certificate under Section 62, be forwarded by the Registrar within seven days to the General Registry Office.

Registrar to forward to General Registry Office abstracts of instruments affecting immoveable property and registered in his Office.

68. On the receipt in a Registrar's Office of the duplicate abstracts made by any Sub-Registrar, one such duplicate shall be filed in such Office, and the other shall be forwarded to the General Registry Office.

Filing in Registrar's Office of abstracts made by Sub-Registrar.

69. On registering any instrument under Section 33 of this Act, the Registrar shall forward a copy of such instrument to each Sub-Registrar subordinate to himself and to any other Registrar in whose Sub-District or District, as the case may be, any part of such property is situate; and such Sub-Registrar or Registrar, on receiving the copy, shall follow the procedure prescribed for him respectively in Section 66.

Procedure on registering instruments under Section 33.

70. Every memorandum received under Section 41 shall be copied in the margin of the part of the book in which the document affected by such memorandum is registered: and the Registrar shall send a copy of such memorandum to the Registrar General and to every Sub-Registrar in his District in whose Office the said document or any abstract thereof is registered, who shall make a similar entry in the margin of the abstract or copy registered in his Office. Every memorandum received by a Registrar under Section 42 of this Act shall be copied by him in his Registry Book No. 2, and he shall send the memorandum to the Registrar General and a copy thereof to every Sub-Registrar subordinate to himself in whose Sub-District any part of such property may be situate, and the Registrar General and every such Sub-Registrar respectively shall copy it in his Registry Book No. 2.

Procedure on receipt of memorandum under Section 41.

Procedure on receipt of memorandum under Section 42.

71. On accepting for deposit a sealed cover under Section 44, the Registrar shall transcribe in his Registry Book No. 3 the superscription on such sealed cover and note in the Register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover. The Registrar shall then place and retain the sealed cover in his fire-proof box.

Procedure on deposit of Wills or Authorities to adopt.

(*E.*) *Of the Registrar General.*

72. In registering any instrument under Section 32 of this Act, the Registrar General shall follow the mode of registration herein prescribed for the registration of documents presented in the first instance to a Registrar or a Sub-Registrar.

Mode of registration by Registrar General.

73. The Registrar General, on any such instrument being registered in his Office under Section 32 of this Act, shall forward to every Registrar within whose District any part of the property to which the instrument relates is situated, a copy of such instrument and of the endorsement and certificate thereon, and the Registrar receiving such copy shall register an abstract of the same and shall forward a copy of the instrument and of the endorsement and certificate aforesaid to each Sub-Registrar in his District within whose Sub-District any part of such property is situate; and every Sub-Registrar who shall receive such copy shall file the same in his Office and register an abstract thereof in his Book No. 1.

Procedure on registration by Registrar General.

74. On the receipt in the Registrar General's Office of the abstract of any entry made in any Register, the same shall be filed in such Office.

Filing in General Registry Office of abstracts of entries.

(*F.*) *Of the Controlling Powers of Registrars and Registrars General.*

75. Every Sub-Registrar shall perform the duties of his Office under the superintendence and control of the Registrar in whose District the Office of such Sub-Registrar shall be situate; and every Re-

Registrar to superintend and control Sub-Registrars.

gistrar shall have authority to issue (whether on complaint or otherwise) any order he may consider necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the Book or the Office in which any document shall have been registered.

Powers of Registrar General

Power to frame rules

76. The Registrar General shall exercise a general superintendence over all the Registry Offices in the Territories administered by the local Government, and shall have power from time to time to frame rules not inconsistent with the terms of this Act, for the guidance of the Registrars and Sub-Registrars under him—

For regulating the proceedings of these Officers;

For providing for the safe custody of books, papers, and documents, and also for the destruction of such books, papers, and documents, as it may be deemed to be no longer necessary to keep;

For regulating the languages in which and the materials on, in, and with which documents presented for registration are to be written or printed, the size of such documents and the extent of blank space to be left thereon;

For declaring the holidays that shall be observed in the Registry Offices.

The rules so framed shall be submitted to the local Government for approval, and after they shall have been approved, they shall be published in the Official Gazette, and shall have the same force as if they were inserted in this Act.

No appeal from order admitting to registration.

77. No appeal shall lie from an order admitting a document to registration.

PART XIII.

Of Refusal to register.

Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.

78. Every Registrar or Sub-Registrar who shall refuse to register a document, and every Registrar who shall refuse to order a document to be registered, shall record his reasons for so refusing, and endorse the words "Registration refused" on the document; and on application made by any person executing or claiming under the document and on his furnishing a stamped paper of the value of eight annas, shall give him a copy of the reasons so recorded No Registering Officer shall accept for registration a document so endorsed unless and until an appeal shall have been presented under the provisions herein contained and decided in favour of the appellant.

Registrar may alter or revise orders of Sub-Registrar refusing registration.

79. An appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate if presented to such Registrar within thirty days from the date of the order, and the Registrar may alter or revise such order: Provided that whenever the Registrar shall himself as Sub-Registrar have passed the order appealed against, the appeals hall lie to the Registrar General.

Procedure where Registrar refuses to register documents falling under Section 17 or Section 18, Clause 1, 2 or 3

80. If a Registrar shall refuse to register any document falling within the provisions of Section 17, Clauses 1, 2, 3 and 4 or Section 18, Clauses 1, 2, 3 and 4, or if he shall on appeal refuse to direct the registration of such document, it shall be lawful for any person claiming thereunder to institute in the District Court, within thirty days after such refusal, a regular suit to which the said Registrar may be a party, in order to establish his right to have such document registered, and the document shall be admissible in evidence on the hearing of such suit. The Court may, if it shall think proper, and if the requirements of the law for the time being in force have been complied with so as to entitle the document to registration, order such Registrar to register the document, or direct its registration in the proper manner, and he shall thereupon obey such order, and the registration pursuant to such order shall take effect as if the document had been duly registered when it was presented for registration to the Officer so refusing as aforesaid. The plaint in any suit instituted under this Section shall bear a stamp of the value of eight annas.

Registering Officer not to be liable for anything *bonâ fide* done or refused in his official capacity.

81. Nothing contained in this Act shall be construed as rendering a Registering Officer liable to any suit or any claim or demand by reason of any thing *bonâ fide* done or refused in his official capacity.

PART XIV.

Miscellaneous.

Registry of instruments executed by Government Officers or certain public functionaries.

82. Notwithstanding anything herein contained, it shall not be necessary for any Officer of Government, or for the Administrator General of Bengal, Madras, or Bombay, or for any Official Trustee, or for the Receiver or Registrar of a High Court, to appear on the presentation in any Registry Office of any instrument executed by him in his official capacity, or to sign the endorsement mentioned in Section 61; but when any instrument is so executed, the Registering Officer to whom such instrument is presented for registration, may, if he think fit, refer to any Secretary of Government, or to such Officer of Government, Administrator General, Official Trustee, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Penalty for incorrectly copying, translating, abstracting or registering documents with intent to injure.

83. Every Registering Officer appointed under this Act and every person employed in his Office for the purposes of this Act, who, being charged with the copying, translating, ab-

stracting or registering of any document presented or deposited under the provisions of this Act, shall copy, translate, abstract or register such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury as defined in the Indian Penal Code to any person, shall be punished with imprisonment of either description, as defined in such Code, for a term which may extend to three years, or with fine, or with both.

Penalty for making false statements before Registering Officer.

84. Whoever shall wilfully make any false statement in any deposition or declaration before any Officer acting in execution of this Act, in any proceeding or enquiry under the 37th or any other Section of this Act, shall be deemed to have committed the offence defined in Section 199 of the Indian Penal Code, whether such statement shall have been made upon oath or not.

Registers kept under former enactments to be transferred to Registrar of the District.

85. All Registry Books kept under the said Act No. XVI of 1864 or any Act or Regulation repealed thereby, shall be transferred to the Registrar of the District in which they are now preserved, and all rules contained in or made pursuant to this Act shall, so far as they may be applicable, apply to the books so transferred as aforesaid.

References to Act No. XVI of 1864 to be read as if made to this Act.

86. All references to the said Act No. XVI of 1864 in Acts passed previous to the date of this Act coming into operation shall be read as if made to this Act.

Commencement of Act in Bengal, Madras and Bombay.

87. This Act shall come into operation on the first day of July 1866 in the Presidencies of Bengal, Madras and Bombay.

Power to extend Act to other Territories.

This Act may be extended to any other part of British India by an order of the local Government, to be notified in the Official Gazette; and no instrument of the descriptions mentioned in Sections 17 and 18 of this Act, which shall have been executed in any such part before the date on which this Act shall come into operation therein, shall be accepted for registration, unless it be presented for registration within twelve months from such date.

Time for registering instruments executed in such Territories before extension.

STATEMENT OF OBJECTS AND REASONS.

This Bill repeals and re-enacts the law relating to the Registration of Assurances contained in Act XVI of 1864 and Act IX of 1865, with such alterations and additions as a year's experience has shown to be absolutely necessary or highly desirable, in order to clear up the doubts and remove the difficulties which have been felt in working the existing law.

The more important of these alterations and additions will be conveniently mentioned under the different Titles into which the law has been distributed.

In PART I, *Preliminary*, several definitions have been added. "Lease," for instance, is defined as including a counter-part, a kabuliyat, an agreement to lease: this will prevent any doubt as to the registrability of such documents. "Representative" is defined to include the committee of a lunatic and the manager of his estate: this will meet the difficulty which has arisen in the case, where a person has become a lunatic between the date of executing an instrument and that of presenting it for registration. Lastly, "Civil Court" is defined as including Revenue Court, but as excluding a Court for the relief of insolvent debtors. The object of this exclusion is to relieve an insolvent Court on making a vesting order from the necessity of sending a memorandum of it to an office, the situation of which cannot in general be then determined.

PART II.—*Of the Registration Establishment.*—The principal addition made to the law on this head consists in empowering the Local Government, with the previous sanction of the Governor-General of India, to establish a Branch General Registry Office. The head of such Office is to have all the powers of a Registrar General, excepting his power to frame rules.

PART III.—*Of Registrable Documents.*—Endorsements upon and transfers of debentures issued by Land Companies have, like shares in such Companies, been exempted from compulsory registration, and awards relating to immoveable property have been expressly added to those of which the registration is optional. Words have also been added providing, practically, for the optional registration of every document likely to be met with in Indian practice. Much difficulty has arisen from the frequent imperfection of the descriptions of parcels in instruments relating to immoveable property. The Bill accordingly provides that no such instrument shall be accepted for registration unless it contains a description of the property sufficient in the opinion of the Registering Officer to identify the same. The Bill also gives directions for the framing of such descriptions. As to documents in languages not understood by the Registering Officer, the provisions of the Act have been somewhat modified. Under the Bill, the Registering Officer may refuse to register the instrument unless it be accompanied by a copy and a translation into the language commonly used in the District. The copy will be filed and the translation registered; and for the purpose of making the copies and abstracts required by the other parts of the Bill, the translation will be treated as if it were the original.

PART IV.—*Of the Time of Registration.*—The Bill provides for the case, left unnoticed in the present enactments, of an instrument being executed by several persons at different times, and, in cases where delay in presentation is unavoidable, enables the acceptance of the document. The Registrar, who will generally be the Collector or Judge, or some Officer of experience, may accept the document, on payment of a penalty, provided the delay does not exceed six months. This will enable him to mitigate the hardships which now occasionally result from non-registration owing to such unavoidable accidents as sudden departure to England from sickness. Provision is also made where the last day of the period fixed for registration falls on a holiday. And a Section

has been introduced, saving the time prescribed by Statute for the registration of the certificate of a creditor's assignee and other documents.

PART V.—*Of the place of Registration.*—A discretionary power is here given to a Registrar (as the District Registrar is called in the Bill) to receive and register instruments relating to immoveables which might be registered by any Sub-Registrar (the Deputy Registrar) in his district.

PART VI.—*Of the presentation Of instruments for registry*, and PART VII.—*Of the enforcement of attendance of executants and witnesses.*—Every document to be registered is to be presented by some person executing *or claiming* under it, or by his representative, assign, or agent; but all the persons executing the instrument or their representatives, assigns, or duly authorized agents, are, as at present, to appear before the Registering Officer, and admit execution. The Registering Officer may examine any one then present in his Office, and such examination may, if he pleases, be upon oath. Any person presenting (not "any party to") an instrument is enabled to procure the attendance of any other person required to attend on presentation, or whose testimony is necessary for the registration of the instrument. The power of attorney required to authorize a person to present a document for a principal residing out of British India is to be executed before, and authenticated by, a Notary Public, or any Court, Judge, Consul or Magistrate; and every power of attorney authorizing a person to present a document may, as in the Civil Courts, be proved by its production when it purports on its face to have been duly executed and authenticated.

PART VIII.—*Of the Registration of Memoranda of decrees and orders affecting immoveable property and sent by the Court to the Office.*—These memoranda are to be sent to every Registrar within whose district any part of the property is situate; and the costs of their registration are to be costs in the cause.

PART IX relates to the registration of Wills and authorities to adopt. As to the persons entitled to register such instruments, the Bill provides that the testator or any person claiming as executor or otherwise under a Will may register the Will, and that the donor or donee of any authority to adopt or the adoptive son may register any such authority. The depositor of sealed covers containing Wills or authorities to adopt may withdraw them on applying to the Registrar in whose Office they may have been deposited, and need no longer incur the expense and delay of presenting a petition to the District Court.

PART X.—*Of the fees for registration, searches and copies.*—The table of fees mentioned in the present Act is to include the extra or additional fees payable for discretionary registration by a Registrar General or a Registrar, for special registration of obligations for payment of money, for the issue of commissions, for filing translations of documents in languages not understood by the Registering Officer, and for attendance at private residences.

PART XI.—*Of the effect of registration and non-registration.*—This Part, with a few verbal changes, contains little but Section 67, the Clause as to the effect of non-registration comprised in Section 13, Section 68, and Section 51 of Act XVI of 1864. The Bill, however, imports a Section from the Limitation Act which there is reason to believe has been generally overlooked, and which provides that registration doubles the period of limitation in suits under a written contract for money lent, or interest or breach of contract.

PART XII.—*Of the duties and powers of Registering Officers*—brings together the provisions on this head which are scattered throughout the various Sections of Act XVI of 1864. This Part is subdivided into six heads, (*a*), as to the Registry books, (*b*), as to procedure on admitting to registration, (*c*), as to the special duties of the Sub-Registrars, (*d*), as to the special duties of the Registrars, (*e*), of the Registrar General, and (*f*), of the controlling powers of Registrars and Registrars General. Experience has suggested some changes in the number and nature of the Books. The Bill provides that, in all Registry Offices, four Books shall be kept, (1) a Register of instruments affecting immoveable property; (2) Register of decrees and orders of Court affecting immoveable property; (3) Register of deposits of Wills and Adoption-Instruments; and (4) Register of Wills and Adoption-Instruments. Registrars and Sub-Registrars will further keep (5) Register of obligations for payment of money specially registered; (6) a Miscellaneous Register, (7) a record of powers of attorney, and (8) a record of reasons for refusing to register. The Registrar General and all Registrars will, lastly, keep a Book (9) entitled "Register of Abstracts," in which the Registrar will enter abstracts of instruments relating to immoveable property situate in several districts, of which copies shall have been forwarded to him by a Sub-Registrar, or by the Registrar General, and the Registrar General will enter abstracts of entries made in any register and forwarded to him. The indexes to be kept under the Bill will, in addition to the particulars shown by the indexes kept under the Act, contain the names (if any) and descriptions of all persons claiming under a registered document.

Copies of entries in Registry Books Nos. 3, 5 and 6 will be given to any person executing or claiming under the documents to which the entries respectively refer, but the requisite search for such entries will be made only by the Registering Officer.

On admitting to registration, the Registering Officer, when the statements made before him are conflicting, is empowered to record a note of the substance of the statement made by every person whom he may have examined.

The endorsement on every document admitted to registration is to state not only any payment of money or delivery of goods, but also any admission of receipt of consideration made in the presence of the Registering Officer in reference to the execution of the document.

Registrations *bonâ fide* made by any Registering Officer are not to be deemed invalid merely by reason of defect or irregularity in the appointment of, or in the procedure followed by such Officer.

Every Registering Officer may at his discretion administer an oath (which is defined to include a solemn affirmation) to any person examined by him.

The Registrar General is empowered to make rules, not only relating to the subjects mentioned in Section 64 of Act XVI of 1864, but also as to the languages in which, and the materials on, in, and with which documents presented for registration are to be written or printed, the size of such documents, and the extent of blank space to be left thereon, and as to the holidays to be observed in the Registry Offices.

PART XIII.—*Of refusal to register.*—When a Registrar or Sub-Registrar refuses to register a document, he is to endorse thereon "registration refused," and no Registering Officer is to accept for registration a document so endorsed unless and until an appeal shall have been presented and decided in favour of the appellant. The procedure where a Registrar refuses to register a document relating to immoveable property is somewhat altered. If a Registrar refuse to register any document relating to immoveable property, or if he shall on appeal refuse to direct registration, any person claiming thereunder may institute a regular suit to which the Registrar may be a party. But nothing contained in the proposed Act is to be considered as rendering a Registering Officer liable for any thing *bonâ fide* done or refused in his official capacity. In practice it has been found that the Civil Courts have sometimes directed registration to take place in cases where the requirements of the law have not been fulfilled. The reason of this, doubtless, is that it was no one's interest or duty to bring to the notice of the Court the precise manner in which the law had been disobeyed. By making the Registrar a party to the suit he will be in a position to substantiate the grounds on which his refusal was based, while at the same time he is protected from damages so long as his acts are shown to have been done in good faith.

PART XIV.—*Miscellaneous.*—The Administrators General, the Official Trustees, the Receivers and Registrars of the High Courts are, like Officers of Government under Section 69 of Act XVI of 1864, exempted from appearing on presentation of instruments which they may have executed in their official capacity. Penalties are provided for incorrectly copying or translating, abstracting or registering documents with intent to cause "injury" as defined in the Indian Penal Code. All Registry Books kept under Act No. XVI of 1864 or any enactment repealed thereby will be transferred to the Registrar of the District in which they are now preserved, and the rules as to extracts, searches, fees, &c., contained in or made pursuant to this Act will apply to the Books so transferred.

S. ST. J. GORDON.

The 20th January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

Corrigenda.

In the "Amended Bill to legalize, under certain circumstances, the dissolution of Marriages of Native Converts to Christianity," published in the *Gazette* of 20th January 1866,

Sections 4, 5 and 24, and First, Second and Third Schedules, *omit* "solely."

Sections 15, 16, 19 and 20, *omit* "sole."

HOME DEPARTMENT.

No. 1001.

Fort William, the 31st January 1866.

NOTIFICATIONS.

Ecclesiastical.—The Reverend John Clough, a Junior Chaplain on the Bengal Establishment, reported his return from leave on the 13th instant, per Steam Ship "Bengal."

Mr. Clough is re-appointed Chaplain of Toungoo.

No. 1005.

The services of the Reverend J. E. Tandy, Chaplain of Lucknow Cantonments, are placed at the disposal of the Government of Bengal.

No. 1012.

Appointment.—The Reverend M. S. Laing to be Chaplain of Lucknow Cantonments in succession to the Reverend J. E. Tandy.

No. 1014.

The services of the Reverend G. G. Gillan, Assistant Chaplain of the Church of Scotland, are placed at the disposal of the Military Department for employment with Her Majesty's 91st Highlanders at Dum-Dum.

No. 1020.

His Excellency the Viceroy and Governor General, under the authority vested in him by the Act 24 and 25 Vic., Cap. 67, Section 10, is pleased to nominate George Ross, Esquire, to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations only.

No. 1047.

Mr. H. B. Simson, of the Civil Service, has reported his departure from India per S. S. "Bengal," which vessel was left by the Pilot at sea on the 23rd instant.

No. 1035.

The 1st February 1866.

The under-mentioned Covenanted Civil Servants having produced the necessary medical certificates, have been granted, by the Right Hon'ble the Secretary of State for India, extensions of leave for the periods specified, viz:—

Mr. H. S. J. Ross	...	...	6 months.
„ F. Henvey ...	...	...	6 „

No. 1044.

Captain W. T. McGrigor, Cantonment Magistrate of Fyzabad, is empowered, temporarily, to exercise the powers of an Assistant Commissioner within the limits of the Fyzabad District.

No. 1067.

The under-mentioned specifications of inventions have been filed under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India, in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India, in the Home Department, to public inspection, upon payment of a fee of one rupee; a certified copy of any specification will be given to any person requiring the same on payment of the expense of copying :—

No. 257.—Mr. William Richardson, of Oldham, in the County of Lancaster, Mechanical Engineer, for improvements in cotton gins.

No. 266.—Mr. Peter Orr, of Mount Road, Madras, now residing at No. 13, Loraine Road, Holloway, London, for moving or pulling punkahs.

No. 279.—Messrs. Arthur Shanks and John Baillie Nelson, Civil Engineers of Calcutta, for improvements in permanent way material for Railways.

No. 282.—Mr. Francois Coignet, of Paris, in the Emipre of France, Manufacturer, for improvements in the manufacture of beton concrete or constructive composition and artificial stone, and in machinery employed in such manufacture; also in constructing, producing, or manufacturing structures, works, surfaces, and articles from such composition.

No. 283.—Mr. Thomas Brown, of Piccadilly, in the County of *Middlesex*, England, for improvements in folding chairs and other seats.

No. 284.—Mr. Teignmouth Sandys, of Bhaugulpore, in the Province of Behar, in the East Indies—

1st.—For the easy extraction, by separation of the wood from the bark, of all fibrous plants of such description, more especially of the Rheea plant; and,

2ndly.—For the recovery of the fibres out of the bark in a clean and perfect condition by a few hours' processes; also for the extraction of fibres of all fibrous plants other than those of a woody character by much the same processes.

E. C. Bayley,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

Judicial.

No. 19.

Fort William, the 31st January 1866.

With reference to the Notification in the Home Department, No. 1387, dated 28th August last, extending the provisions of Act XVI of 1864 to the Province of Mysore, it is hereby notified that the under-mentioned Table of Fees payable under the Act in Mysore and Coorg, (being similar to the scale in force in the Presidency of Madras,) has received the sanction of the Governor General in Council :—

Table of Fees.

I. The fees payable in the Office of every District and Deputy Registrar shall be as follows :—

For registering every instrument the value of which does not exceed Rs. 100.	Eight annas.
Ditto ditto above Rs. 100, and not exceeding Rs. 500.	One Rupee.
Ditto ditto above Rs. 500, and not exceeding Rs. 1,000	Two Rupees.
Ditto ditto above Rs. 1,000, and not exceeding Rs. 5,000.	Three Rupees.
For each additional thousand Rupees or part thereof.	Eight annas.
For special registration under Section 51, besides the usual fee, an extra fee of the same amount.	
For every search ...	...One Rupee.
For every certified copy or extract, or for entering the contents of a sealed cover in the Register of Wills, Codicils, and Instruments, giving authority to adopt a son.	Four annas for every 100 words or for any fraction of 100 words.
For the registration and safe custody of any sealed envelope purporting to contain a Will, Codicil, or authority to adopt.	Five Rupees.
For attesting a special Power of Attorney.	Eight annas.
For attesting a general Power of Attorney.	One Rupee.

II. The value in the case of leases for periods less than five years, without fine or premium, shall be the aggregate amount of rent payable for the whole term of lease.

III. The value in the case of other leases for a term of years, without fine or premium, shall be calculated at five years' rental.

IV. When a fine is payable with or without a rent stipulated, the value shall be the aggregate of the fine, and of the rent value (if any) calculated as in the foregoing rule.

V. The value in the case of leases in which no period is specified, shall be the aggregate amount of rent payable for one year.

VI. The value in the case of conveyances, bonds, contracts, and deeds of partition, when no value is expressed, or in which it is not fully expressed, shall be the maximum amount which the stamp borne by the document shall suffice to cover.

VII. In all cases not provided for by special rule, and in which no value is expressed, the fee on registration shall be Rs. 5 for each document.

VIII. The fee payable to the Registrar General for every registration, search, extract, or copy of any entry, abstract, or instrument made in his Office, shall be double the amount above prescribed for the corresponding registration, search, extract, or copy, made in the Office of any District or Deputy Registrar, except that no higher fee than 5 Rupees shall be payable to the Registrar General

for registering any instrument coming within the class or description mentioned in Rule VII.

IX. Whenever application shall be made, under the provisions of Section 28, for a Commission to issue for the purpose of taking the examination of a native woman of rank, or under the provisions of Sections 28 and 65, for the attendance of any District Registrar or Deputy Registrar in person at the place of residence of any native woman of rank or other party intending to execute any Power of Attorney or other instrument, or desiring to deposit a Will, Codicil, or authority to adopt a son, such native woman of rank or other applicant shall be required to pay a fee of Rs. 10 in addition to the travelling expenses of such District Registrar or Deputy Registrar, or other person, to be calculated according to the distance travelled on the usual scale prescribed for travelling allowance on public service.

X. The fees for serving summonses under the provisions of Sections 31 to 34 shall be regulated according to the scale in force in the principal Court of original civil jurisdiction in the same District or Sub-District.

No. 25.

The 2nd February 1866.

A Commission of the Peace was issued from the High Court of Judicature in Bengal on the 25th ultimo, directed to the under-mentioned Officers serving in the Mysore Commission and in Rajpootana:—

Lieutenant Edmund Samuel Ludlow, Assistant Superintendent of the Ashtagram Division in Mysore.

Captain Charles Renney Blair, Officiating Assistant to the Governor General's Agent for the States of Rajpootana.

GENERAL.

No. 152.

The 30th January 1866.

The following Officers in British Burmah have passed a successful examination in the Burmese language for the first or lower standard:—

Mr C. Phillips, Assistant Commissioner, 3rd Grade.

Mr. C. D. Clifford Lloyd.

No. 162.

The 31st January 1866.

Mr. C. E. Bernard, Secretary to the Chief Commissioner of the Central Provinces, has obtained privilege leave of absence for six weeks from the 15th instant, or from the date on which he may avail himself of it.

Mr. A. C. Lyall, Deputy Commissioner of Hoshungabad, is appointed to officiate as Secretary to the Chief Commissioner, Central Provinces.

No. 164.

Captain G. Briggs, of the Madras Staff Corps, is appointed to officiate as Town Magistrate of Mysore during the absence on leave of Major R. Renton.

No. 178.

The 2nd February 1866.

Captain W. W. Pemberton, Assistant Commissioner, 1st Class, in British Burmah, reported his return to India on the 29th January 1866.

No. 179.

The services of Mr. F. O. Mayne, C. B., Commissioner of the Fyzabad Division in Oude, are placed at the disposal of the Government of the North-Western Provinces.

W. MUIR,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 27th January 1866.

No. 97 *of* 1866.—With reference to the Notification from the Public Works Department, No. 19, dated the 24th instant, the services of Lieutenant H. J. Nuthall, Her Majesty's 56th Foot, Executive Engineer, 4th Grade, Rajpootana, are at his own request placed at the disposal of His Excellency the Commander-in-Chief, with effect from the 1st instant.

No. 98 *of* 1866.—The under-mentioned Non-Commissioned Officer of Her Majesty's Service is permitted to reside and draw his pay in India as an Out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of his pension:—

Quarter Master Sergeant Jacob Thomas, of the 16th Brigade Royal Artillery.

No. 99 *of* 1866.—His Excellency the Governor General in Council is pleased to appoint the under-mentioned Officers to form a Committee to consider and report upon matters which will be communicated to the President by the Officiating Secretary to the Government of India, in the Military Department:—

President:

Colonel J. M. Adye, C. B., of the Royal Artillery.

Members:

Lieutenant Colonel W. A. Crommelin, C. B., Royal Engineers.

Captain H. Howe, Deputy Master Attendant.

Captain S. T. Trevor, Royal Engineers.

Lieutenant W. A. J. Wallace, Royal Engineers.

No. 100 *of* 1866.—The under-mentioned Officer having completed 26 years' service, 8 years of which were on permanent staff employ, to be Lieutenant Colonel from the date specified opposite to his name, under the Royal Warrant of the

16th January 1861, subject to Her Majesty's approval:—

Bengal Staff Corps.

Major J. B. Y. Matheson, 26th January 1866.

No. 101 *of* 1866.—The services of Lieutenant C. J. Garstin, of the Bengal Staff Corps, Adjutant of the 4th Goorkha Regiment, are placed at the disposal of the Government of the North-Western Provinces.

The 29th January 1866.

No. 102 *of* 1866.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 362, dated 8th December 1865, is published for general information :—

MILITARY. INDIA OFFICE,

No. 362. *London, 8th December* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

In your Military letter dated 20th September last, No. 403, you refer for my decision a question which has arisen whether leave taken on private affairs without pay out of India, counts as part of the 6 years required before an Officer can obtain furlough after return to duty.

2. From the case which gives rise to the enquiry, I presume the question relates only to Clause 7 of the Furlough Rules, published in Orders by your Government on 17th November 1854, part of which is as follows :—

"Officers who have taken leave of absence on sick certificate to Europe or elsewhere beyond sea, will be ineligible to a furlough on private affairs until they shall have served six years from their last return to duty. This rule does not apply to short leaves to sea."

3. Clause 6 of the same rules states that every Officer will be allowed a furlough to Europe or elsewhere beyond sea for a period of two years at the expiration of ten years' service, and for a second period of two years after twenty years' service, in India.

4. It was decided by the Court of Directors in the year 1856, that an Officer who had proceeded on leave to England for six months was not to be considered as having taken his authorized furlough after ten or twenty years, as the case might be; but that he might, with the permission of Government, take at any time the remainder of the two years' authorized furlough on private affairs.

5. The Court of Directors also ruled that absence for six months under Clause 9 did not preclude an Officer from taking his furlough to Europe after ten years' service.

6. It appears to me that the principle of these decisions may be applied to the present question; and that absence to Europe on private affairs for six months, and all extensions of such leave granted in that country under special circumstances and without pay, may be permitted to reckon as part of the six years required to be served after return from leave on medical certificate to entitle an Officer to his furlough on private affairs.

I have, &c.,

(Signed) C. WOOD.

The 30th January 1866.

No. 103 *of* 1866.—The following paragraphs of a Military letter from the Right Hon'ble the Secretary of State for India, No. 376, dated 23rd December 1865, are published for general information :—

1. The under-mentioned Officers have been permitted to return to their duty, viz. :—

Colonel C. Reid, C. B., per Steamer, 4th December.
Lieutenant Colonel J. W. Carter.
Major J. J. H. Gordon.
Major G. B. Mainwaring, per Steamer, 4th December.
Major J. A. Steel.
Major A. Blackwood.
Major R. A. Napper.
Major G. R. Westmacott.
Captain T. W. R. Boisragon.
Captain J. Gillespie, per Steamer, 28th November.
Captain G. F. Graham.
Captain W. H. Smith, per Steamer, 4th January.
Lieutenant E. D. Smith, per "Hindustan."
Lieutenant J. W. McQueen.
Lieutenant H. H. P. Cowper, per Steamer, 20th December.
Surgeon J. Ewart.
Veterinary Surgeon W. Johnson.

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, viz. :—

Lieutenant Colonel J. C. Brooke	...	6 months.
" C. L. Showers	...	4 "
Major T. A. Corbett ...	... ...	6 "
" S. R. J. Owen	... ...	6 "
Captain J. Thompson	... ...	3 "
" L. B. J. Davies	... ...	4 "
" W. F. Leicester	... ...	6 "
Lieutenant F. H. Hood	... ...	6 "
Surgeon Major E. T. Downes	...	6 "
" J. Lee	... ...	6 "
Assistant Surgeon D. Hood ...	...	6 "

3. The under-mentioned Officers have been permitted to retire from the service from the dates specified, viz. :—

Surgeon R. H. Oakley, from the 24th May 1865.
Surgeon D. Small, from the 1st January 1866.

4. Captain H. W. Chapman has been permitted to resign the service. The vacancy has effect from the 11th August 1864.

The 31st January 1866.

No. 104 *of* 1866.—The services of Assistant Surgeon H. Cayley, in joint medical charge of Simla, are placed at the disposal of the Government of Bengal from the date on which he may be relieved by his successor.

No. 105 *of* 1866.—Subadar Major Sheik Madar, of the 22nd Regiment Madras Native Infantry, is admitted to the 2nd Class of the "Order of British India" with the title of "Bahadoor" from the 15th November 1865, in succession to pensioned Subadar Major Shekh Tippoo "Bahadoor," 2nd Regiment Light Cavalry, deceased.

No. 106 *of* 1866.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
13th Bengal Cavalry.	Kote Duffadar Nowrung Khan.	Jemadar -	3rd May 1865	Mullook Sing, deceased.
19th (Punjab) Regiment Native Infantry.	Subadar Boodh Sing -	Subadar Major.	8th November 1865.	Sobah Sing, deceased.
Ditto.	Jemadar Lalloo - -	Subadar -	Ditto.	Ditto.
Ditto.	Havildar Eusuf Khan -	Jemadar -	Ditto.	Lalloo, promoted.

No. 107 *of* 1866.—With reference to Government General Order No. 76 of the 23rd January 1866, publishing a disposition of Stations under certain Divisions of the Army, it is hereby notified that the Station of Bhaugulpore is to be added to those comprising the Presidency Division.

Order books to be corrected accordingly.

No. 108 *of* 1866.—Under the authority of the Right Hon'ble the Secretary of State for India, it is hereby notified that the promotion of the Veterinary Surgeons of the Indian service to the grade of Veterinary Surgeon of the 1st Class, announced in Government General Order No. 896, dated 29th September 1865, is to be held to have effect from the 1st May 1865.

The 1st February 1866.

No. 109 *of* 1866.—With reference to the Notification issued by the Government of Bengal, dated 27th January 1866, the services of Apothecary James Cameron, of the Subordinate Medical Department, attached to the Calcutta Medical College Hospital, are placed at the disposal of His Excellency the Commander-in-Chief, with effect from the 30th December last.

No. 110 *of* 1866.—Her Majesty has been pleased to appoint the under-mentioned gentlemen to be Assistant Surgeons in Her Majesty's Indian Military Forces at the Presidency of Bengal. They are accordingly admitted into the service :—

	Date of arrival at Fort William.
Mr. Robert Bremner Thomson, M. D. Mr. Benjamin Knowles, M. B.	17th Jan. 1866.

No. 111 *of* 1866.—The services of Captain R. Beadon, of the late 4th European Light Cavalry, Aide-de-Camp to the Hon'ble the Lieutenant Governor of Bengal, are, at his own request, replaced at the disposal of His Excellency the Commander-in-Chief from this date.

No. 112 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following promotion in the Medical Department :—

Surgeon Major Charles Bonnor Chalmers, to be a Deputy Inspector General of Hospitals, with temporary rank, during the period Deputy Inspector General of Hospitals John Wilkie, M. D., may officiate as Inspector General of Hospitals Lower Provinces, or until further orders.

No. 113 *of* 1866.—The under-mentioned Warrant Officers are permitted to resign their situation in the Subordinate Medical Department :—

Hospital Steward Robert Goulbourne.
" " Daniel George McCulloch.

The 2nd February 1866.

No. 114 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Major Sir Edward Leeds, Baronet, of the Bengal Staff Corps, Executive Engineer, 2nd Grade, Department of Public Works, North-Western Provinces Captain Alexander Copland, of the Bengal Staff Corps, Adjutant, 19th (Punjab) Regiment Native Infantry.	For 20 months.
Lieutenant William Fane Tucker, of the General List, Infantry. Surgeon William Frederick Blyth Dalzel, M. D., of the Medical Department.	For 20 months, under the new Regulations.

No. 115 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Lieutenant Colonel (Brevet Colonel) Alfred Thomas Wilde, C. B., of the Madras Staff Corps, Aide-de-Camp to the Queen, Brigadier General, Commandant of the Punjab Frontier Force.	For 6 months.

No. 116 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Lieut. Colonel J. W. Carter, Bengal Infantry. Lieutenant H. H. P. Cowper, General List, Cavalry.	29th January 1866.

No. 117 *of* 1866.—The Governor General of India has been pleased to attach Captain A. Shepherd, of the late 5th European Light Cavalry, to do duty with His Excellency's Body Guard.

No. 118 *of* 1866.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Major W. C. R. Mylne, of the Bengal Staff Corps, Deputy Assistant Commissary General, on leave for 20 months, Government General Order No. 1006 of the 4th November 1865.	"Mooltan," 13th Nov. 1865.
Lieutenant F. H. Conolly, of the Bengal Staff Corps, District Superintendent of Police, 3rd Grade, Nuddea, on leave for 20 months, Government General Order No. 65 of the 18th January 1866.	"Golden Fleece," 21st Jan. 1866.
Major H. N. Davies, of the Bengal Staff Corps, Secretary to the Chief Commissioner, British Burmah, on leave for 20 months, Government General Order No. 65 of the 18th January 1866.	"Shannon," 22nd Jan. 1866.
Lieutenant H. G. Saunders, of the late 3rd European Regiment, on leave for 20 months, Government General Order No. 1 of the 2nd January 1866.	"Middlesex," 24th Jan. 1866.
Lieutenant F. H. Goold, of the late 47th Regiment Native Infantry, on leave for 20 months, Government General Order No. 29 of the 8th January 1866.	

H. K. Burne, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

Establishment.

No. 23.

Fort William, the 27th January 1866.

Notifications.

Privilege leave for thirteen days has been granted to Major G. Chesney, Accountant General, Public Works Department, in extension of the leave for two months granted him in Notification No. 364 of the 16th October 1865.

No. 24.

Major G. Chesney received charge of the Office of Accountant General, Public Works Department, from Major J. McLeod Innes, v. c., on the afternoon of the 23rd January 1866.

No. 25.

The 31*st January* 1866.

Krishnajee Dunkur is appointed to the Public Works Department as an Overseer of the 3rd grade, and posted to Hyderabad.

No. 26.

The 1*st February* 1866.

Sapper J. Frazer, of the Royal Engineers, a passed Student of the Thomason Civil Engineering College, is brought on the strength of the Upper Subordinate Establishment of the Public Works Department, as an Overseer of the 1st Grade, on probation, and posted to the Punjab.

No. 27.

Sub-Conductor E. Scully, Overseer, 1st Grade, Mysore, has been allowed one month's privilege leave, with effect from the date he availed himself of it.

No. 28.

Erratum.—In Public Works Department Notification No. 301 of the 19th August 1865, Mr. W. L. Granville should have been graded as a *Superintending Engineer, 1st Class, 1st Grade,* instead of *Superintending Engineer, 2nd Class, 1st Grade.*

No. 29.

The 2nd February 1866.

Sath Cowrie Mitter, Overseer, 3rd Grade, British Burmah, has been allowed five months' leave of absence on medical certificate, and is transferred to Bengal.

No. 30.

Mr. M. Quirk, temporary Overseer, 1st Grade, British Burmah, is removed from the Public Works Department, with effect from the date he was relieved of his duties.

No. 31.

Mr. P. Magrath, Sub-Engineer, 2nd Grade, British Burmah, is permitted at his own request to resign his appointment in the Public Works Department, with effect from the date he was relieved of his duties.

No. 32.

Mr. J. M. Span, Assistant Engineer, 1st Grade, Central Provinces, is transferred permanently from the Imperial to the Local Public Works Establishment, under the provisions of Public Works Department Circular No. 52 GG of 1863.

No. 33.

Captain C. J. Mead, R. E., Executive Engineer, 1st Grade, Central Provinces, is appointed Assistant to the Chief Engineer and Assistant Secretary to the Chief Commissioner in the Public Works Department, vice Mr. J. M. Span, transferred to the Local Public Works Establishment.

Railway.

No. 1 R.

The 1*st February* 1866.

In continuation of Notification No. 2 R, dated 26th December 1865, it is notified that Captain F. S. Taylor, R. E., Consulting Engineer for Rail-

ways to the Government of Bengal, relieved Lieutenant Colonel Drummond, R. E., of his duties as Consulting Engineer for Railways to the Government North-Western Provinces on the afternoon of the 20th January 1866.

No. 2 R.

In continuation of Notification No. 1 R of this date, Lieutenant Colonel H. Drummond, R. E., is appointed to officiate as Consulting Engineer for Railways and Under Secretary to the Government of the Punjab, in the Public Works Department, (Railway Branch) during the absence on medical certificate to Europe of Lieutenant Colonel Sim, R.E. or until further orders.

C. H. DICKENS, *Lieut. Col.*, R. A.,

Secy. to the Govt. of India.

Great Trigonometrical Survey of India.

No. 1.

Dated 1st February 1866.

Promotions.—The following promotions were made with effect from the dates specified opposite thereto :—

Messrs. E. H. T. Keelan and F. Bell, from 1st Class to Senior Sub-Assistant.	From 1st November 1865.
Messrs. A. Christie and W. C. Price, from 3rd to 2nd Class Sub-Assistant.	From 1st November 1865.
Messrs. Nathaniel Gwinn and William Waite, from 3rd to 2nd Class Sub-Assistant.	From 1st December 1865.

J. T. WALKER, R. E.

Supdt. G. T. Survey of India.

NOTICE

Is hereby given, that sealed tenders will be received by the Secretary to Government in the Public Works Department at noon of Thursday the 15th March 1866, for the purchase of the right to a lease from Government of a portion, and an assignment of the lease of another portion of the premises now occupied by the Gun Carriage Manufactory at Colaba, and of all land and premises now in the possession of Government lying and situate between the premises now or lately belonging to the Colaba and the Apollo Land Companies on the North, and the Victoria Land Company on the South, and between the New Sea Wall now in course of construction on the East, and the Colaba main road on the West.

2. As to the piece of land colored yellow in the plan referred to in the fourth condition, and which contains about 10705½ square yards, the purchaser will be entitled, on payment of the balance of the purchase money, to an assignment of the lease under which the same is held, and which lease is dated the 23rd day of February 1818, and made between Juggonath Pandoosett of the one part, and the Hon'ble the United Company of Merchants of England trading to the East Indies of the other part, and is for the term of 99 years (renewable from time to time until the expiration of 1,000 years) from the 23rd of February 1818, subject to the yearly rent of Rupees 300.

3. The purchaser shall be entitled to no other evidence of title to the land comprised in the above lease, than the original lease itself, and he shall, at his own expense, execute a duplicate assignment of the lease containing the usual covenants for the payment of the rent thereby reserved and the observance of the covenants therein contained.

4. As to the portion on the plan colored blue, the conditions of the lease will be as follows :—

1st.—Lease to be for 999 years, commencing from the 15th March 1866, and to be granted on completion of the payment of the purchase money.

2nd.—A yearly rent of one pie per square yard per annum to be paid on the 15th of March of each year during the continuance of the lease.

3rd.—Lessee to be considered owner of all houses, buildings, sheds and other immoveable property on the land at the time of possession being given over.

4th.—Lessee shall have the right of filling in the land between the foreshore of the premises and the new seawall now in course of construction, as shown on a plan deposited in the Office of the Secretary to Government in the Public Works Department.

5th.—Lessee to pay all taxes, rates, &c., that may be or become due.

6th.—Land required for Police or Customs Chowkies as well on the assigned, as on the demised portion, to be given up to Government for such purposes free of valuation and rent.

7th.—The Lease to contain provisos for re-entry on breach of any of the covenants or conditions, or non-payment of the rent within twenty days after it becomes due, without any necessity for a formal demand thereof and all other clauses and conditions usually inserted in leases of a like nature.

8th.—The agreement, lease, and counterpart to be prepared by the lessor's solicitors at the lessee's expense.

9th.—The lessee not to enquire into or object to the lessor's title.

10th.—Possession of the Land, except that portion of it now in the possession of the Gun Carriage Manufactory, together with the right of filling in referred to in para. 4, will be given on the 15th March 1866 on the purchaser's completing payment of the 25 per cent. payable on that day under Clause 13.

11th.—Possession of the land now in occupation by the Gun Carriage Manufactory will not be given until the 15th of March 1868.

12th.—Each tender must be accompanied by a receipt from the Bank of Bombay for a sum of five (5) lakhs of Rupees as a deposit, and the terms of payment will be as follows :—

13th.—Persons who have given in tenders must appear at the Office of the Secretary to Government, Public Works Department, at 12 o'clock noon on Monday the 19th March 1866, and the person whose tender may be accepted, will be required at the time of acceptance (that is, on the noon of the day aforesaid) to pay such a sum as with the said sum of five lakhs already deposited, will make up a sum equal to twenty-five per cent. of the total price, and if the successful tenderer fails to make this payment, his deposit of five lakhs will be

forfeited, and the Government may, if they so please, accept any other tender.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the purchase money remaining unpaid at the rate of 5 per cent. per annum from the 15th March 1866) must be paid on or before the 15th March 1867.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the unpaid purchase money at 5 per cent. per annum from the 15th March 1867) must be paid on or before the 15th March 1868.

The balance of twenty-five per cent. of the purchase money (with interest thereon at the rate aforesaid from the 15th March 1868) must be paid on or before the 15th March 1869.

14*th*.—The Bank of Bombay receipts deposited by the persons whose tenders are not accepted, will be returned at noon on the 19th March 1866.

15*th*.—Government do not bind themselves to accept the highest or any tender.

16*th*.—Any further information that may be required may be obtained on application at the Office of the Secretary to Government, Public Works Department, between the hours of 11 A. M. and 3 P. M. on and after the 15th day of January 1866.

By order of His Excellency the Governor in Council,

W. KENDALL, *Colonel*, R. E.,
Acting Secy. to Govt.,
Public Works Department.

BOMBAY CASTLE,
2nd January 1866.

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LOST.

Lost, through the Post Office, a Government Note, value Twenty Rupees, No. $\frac{A}{88}$ 09545. Payment has been stopped.

H. ROBINSON,
Lieut., 98th Regiment.

The 18th January 1866.

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11	Nil Madhub Banerjea	...	Presidency College.
12	Krishna Chunder Doss Doss	...	Calcutta Free Church Institution.
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Kashi Kanto Sen	...	Ditto.
Keshub Chunder Roy	.	Ditto.
Khetter Mohun Chowdry	...	Calcutta Free Church Institution.
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Koylash Chunder Mozoomdar	..	Ditto.
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Peary Lall Roy	...	Ditto.
Peary Mohun Biswas	..	Dacca College.
Poresh Chunder Sircar	...	Presidency College.
Promotho Nauth Banerjee	...	Ditto.
Prosunno Coomar Sein	...	Ditto.
Rajendro Coomar Bose	...	Ditto.
Raj Kissen Sen	...	Ditto.
Rakhal Chunder Bose	...	Ditto.
Ramashur Bose	...	Ditto.
Ram Chunder Halder	...	Ditto.
Ram Comul Bose	...	Calcutta Free Church Institution.
Shib Chunder Dey	...	Presidency College.
Shib Chunder Gui	..	Teacher
Shoshee Bhooshun Sein	...	Presidency College.
Sumboo Chunder Dey	...	Calcutta Free Church Institution.
Sutto Doyal Banerjee	...	Presidency College.
Tarinee Kantha Bhuttacharjee	...	Ditto.
Taruck Nath Paulit	...	Ditto.
Trailukya Natha Bhor	...	Ditto.
Ukhoy Chunder Dutt	...	Ditto.

The undermentioned Students have passed the Examination for the Degree of Bachelor in Law :—

FIRST DIVISION.

In order of Merit.

Gooroo Doss Banerjee	...	Presidency College,	Law Department.
Nilambora Mookerjee	...	Ditto	ditto.
Prosono Chunder Roy	...	Ditto	ditto.
Radha Kristo Sen	...	Ditto	ditto.

SECOND DIVISION.

In order of Merit.

Jugguth Doorlub Mozoomdar	...	Presidency College,	Law Department.
Otool Churn Mullick	..	Ditto	ditto.
Chunder Coomar Doss	...	Ditto	ditto.
Roodro Canto Biswas	..	Ditto	ditto.
Opendro Chundro Mullick	...	Ditto	ditto.
Bulloram Mullick	...	Ditto	ditto.
Shama Churn Chuckerbutty	..	Ditto	ditto.

The undermentioned Students have passed the Examination for a Licence in Law :—

In Alphabetical order.

Beereshur Halder	...	Presidency College,	Law Department.
Gouri Sunker Chatterjee	...	Ditto	ditto.
Gunga Doss Gooho	...	Ditto	ditto.
Hur Mohun Bose	..	Ditto	ditto.
Kally Churn Ghosal	..	Ditto	ditto.
Kirkpatrick, C.	...	Ditto	ditto.
Mohesh Chunder Sircar	...	Ditto	ditto.
Mohinee Mohun Burdon	...	Ditto	ditto.
Obhoya Doss Bose	...	Ditto	ditto.
Omer Nath Bose	...	Ditto	ditto.
Parbutty Churn Doss	...	Ditto	ditto.
Ram Gopaul Chakee	..	Ditto	ditto.
Shoshee Bhoosun Bose	...	Ditto	ditto.

The undermentioned Licentiates in Law, having graduated in Arts, are declared, under Clause 7 of the B. L. Regulations, to be entitled to the Degree of Bachelor in Law :—

Mohinee Mohun Burdon	...	Presidency College.
Poorno Chunder Mitter	...	Ditto.
Shoshee Bhoosun Bose	...	Ditto.
Shoshee Bhoosun Sein	...	Ditto.

J. SUTCLIFFE, M. A.,
Registrar.

The 27th January 1866.

Quarterly Report for the Quarter ending 31st December 1865.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Bengali, and Sanskrit, held in October 1865.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Lister ...	N. W. P.	Sandheads. 11th Dec. 1862	17th Dec. 1862	Leave on medical certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Smeaton ...	B. ...	19th Oct. 1864	1st Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st June last. Qualified for the public service, having passed in Urdu on 1st February, and in Bengali on 1st March last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.
2	Gordon ...	B. ...	12th Nov. 1864	17th Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st July last. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.

BENGALI.

1	Hodgkinson ...	B. ...	25th Nov. 1864	28th Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on the 2nd instant. Qualified for the public service, having passed in Urdu on 1st April and in Bengali on 1st July 1865.

SANSKRIT.

1	Neill ...	N. W. P.	25th Nov. 1864	28th Nov. 1864	Passed for a Certificate of High Proficiency in Urdu on 1st August last, and for a Certificate of High Proficiency in Hindi on 1st May last. Qualified for the public service, having passed in Urdu on 1st February, and in Hindi on 1st March last. Gained a donation of Rs. 800 for passing in two languages in three months. Studying for Honors in the Sanskrit language.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, and Sanskrit, held in November 1865.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Lister ...	N. W. P.	Sandheads. 11th Dec. 1862	17th Dec. 1862	Leave on medical certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

1	Stevens ...	B. ..	16th Oct. 1865	23rd Oct. 1865	Not passed in any language.
2	Smeaton ...	B. ...	19th Oct. 1864	1st Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st June last. Qualified for the public service, having passed in Urdu on 1st February, and in Bengali on 1st March last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.
3	Gordon ...	B. ...	12th Nov. 1864	17th Nov. 1864	Passed for a Certificate of High Proficiency in Bengali on 1st July last. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of Rs. 800 for passing in two languages in four months. Studying for Honors in the Urdu language.

SANSKRIT.

1	Neill ...	N. W. P.	25th Nov. 1864	28th Nov. 1864	Passed for a Certificate of High Proficiency in Sanskrit on the 1st instant, and for Certificates of High Proficiency in Hindi on 1st May, and in Urdu on 1st August last. Qualified for the public service, having passed in Urdu on 1st February, and in Hindi on 1st March last. Gained a donation of Rs. 800 for passing in two languages in three months.

Report on the Examination of the Junior Unpassed Civil Servants in Persian, Urdu, Hindi, and Bengali, held in December 1865.

PERSIAN.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Lister ...	N. W. P.	Sandheads. 11th Dec. 1862	17th Dec. 1862	Leave on medical certificate to Europe. Passed in Hindi on 1st April 1863.

URDU.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Stevens ...	B. ...	16th Oct. 1865	23rd Oct. 1865	Passed on the 1st instant. Has to pass in a second language.
2	Mulock ...	N. W. P.	3rd Nov. 1865	6th Nov. 1865	Not passed in any language.
3	Blennerhassett ...	N. W. P.	3rd Nov. 1865	6th Nov. 1865	Ditto ditto.
4	Robinson ...	N. W. P.	10th Nov. 1865	16th Nov. 1865	Ditto ditto.
5	Low ...	N. W. P.	10th Nov. 1865	16th Nov. 1865	Passed on the 1st instant. Has to pass in a second language.
6	Priestley ...	N. W. P.	23rd Nov. 1865	27th Nov. 1865	Not passed in any language.
7	Knox ...	N. W. P.	23rd Nov. 1865	27th Nov. 1865	Ditto ditto.
8	Purser ...	N. W. P.	23rd Nov. 1865	27th Nov. 1865	Passed on the 1st instant with marked proficiency in Urdu. Entitled to a Medal of Merit. Has to pass in a second language.
9	Williams ...	N. W. P.	23rd Nov. 1865	27th Nov. 1865	Not passed in any language.
10	Porter ...	N. W. P.	23rd Nov. 1865	27th Nov. 1865	Ditto ditto.
11	Smeaton ...	B. ...	19th Oct. 1864	1st Nov. 1864	Passed for a Certificate of High Proficiency in Urdu on 1st instant, and for a Certificate of High Proficiency in Bengali on 1st June last. Qualified for the public service, having passed in Urdu on 1st February, and in Bengali on 1st March last. Gained a donation of Rs. 800 for passing in two languages in four months.
12	Gordon ...	B. ...	12th Nov. 1864	17th Nov. 1864	Passed for a Certificate of High Proficiency in Urdu on 1st instant, and for a Certificate of High Proficiency in Bengali on 1st July last. Qualified for the public service, having passed in Bengali on 1st February, and in Urdu on 1st April last. Gained a donation of Rs. 800 for passing in two languages in four months.

Report on the Examination of the Junior Unpassed Civil Servants,—continued.

HINDI.

Nos.	Names.	Division of Presidency.	Date of Arrival at Calcutta.	Date of Initiatory Examination.	REMARKS.
1	Smith ...	N. W. P.	10th Nov. 1865	16th Nov. 1865	Not passed in any language.
2	Thaine ...	N. W. P.	11th Nov. 1865	16th Nov. 1865	Passed on the 1st instant. Has to pass in a second language.

BENGALI.

1	MacDonnell -	B. -	3rd Nov. 1865	6th Nov. 1865	Not passed in any language.
2	Oldham -	B. .	23rd Nov. 1865	27th Nov. 1865	Ditto ditto.
3	Toynbee -	B. -	27th Nov. 1865	27th Nov. 1865	Ditto ditto.

By order of the Board of Examiners,

FORT WILLIAM, *The 27th January* 1866.

W. N. LEES,
Secy. to the Board of Examiners.

No. 994.

By order of His Excellency the Governor General,

FORT WILLIAM, HOME DEPT., *The 31st January* 1866.

W E. WARD,
Offg. Under Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

Pursuant to a Decree of the High Court of Chancery made in a cause "Joseph Burnett Finch against Matilda Finch and others," the Creditors of Justin Finch, late of Shahpore Oondee, in the District of Tirhoot, in the East Indies, Indigo Planter, deceased, (who died on or about the 7th day of March 1861,) are, on or before the 1st day of March 1866, to send by post, pre-paid, to W. D. H. Oehme, of No. 221, Gresham House, Old Broad Street, in the City of London, the Solicitor of Matilda Finch, the Executrix of the deceased, their Christian and surnames, addresses, and descriptions, the full particulars of their claims, a statement of their accounts, and the nature of the securities (if any) held by them, or in default thereof, they will be peremptorily excluded from the benefit of the said Decree. Every Creditor holding any security is to produce the same before the Vice-Chancellor, Sir William Page Wood, at his Chambers, situate at No. 11, New Square, Lincoln's Inn, in the County of Middlesex, on the 15th day of April 1866, at 2 o'clock at noon, being the time appointed for adjudicating on the claims. Dated this 7th day of December 1865.

W. D. H. OEHME, *Plaintiff's Solicitor.*
221, Gresham House, Old Broad Street, London.

EDWD. WEATHERALL, *Chief Clerk.*

NOTICE.

Pursuant to a Decree of the High Court of Chancery made in a cause "Joseph Burnett Finch against Antoine Fortune Goutiere and others," the Creditors of Frederick Finch, late of No. 67, Rue de la Tresorerie, Bordeaux, in the Empire of France, and of Shahpore Oondee, in the District of Tirhoot, in the East Indies, Indigo Planter, and of No. 3, Carlton Hill, East, in the County of Middlesex, in England, deceased, (who died on or about the 23rd day of September 1863,) are, on or before the 1st day of March 1866, to send by post, prepaid, to W. D. H. Oehme, of No. 221, Gresham House, Old Broad Street, in the City of London, the Solicitor of Matilda Finch, one of the Executors of the deceased, their Christian and surnames, addresses, and descriptions, the full particulars of their claims, a statement of their accounts, and the nature of the securities (if any) held by them, or in default thereof, they will be peremptorily excluded from the benefit of the said Decree. Every Creditor holding any security is to produce the same before the Vice-Chancellor, Sir William Page Wood, at his Chambers, situate at No. 11, New Square, Lincoln's Inn, in the County of Middlesex, on the 15th day of April 1866, at 12 o'clock at noon, being the time appointed for adjudicating on the claims. Dated this 7th day of December 1865.

W. D. H. OEHME, *Plaintiff's Solicitor.*
221, Gresham House, Old Broad Street, London.

EDWD. WEATHERALL, *Chief Clerk.*

NOTICE

Is hereby given, under Section VI, Act XI of 1859, that the under-mentioned estate in Zillah Patna will be put up to public and unreserved sale, at the Collector's Office of that District, on the 15th February 1866, corresponding with 16th Fagoon 1273 F. S., in execution of a decree under Act X of 1859, in favor of Mooni Loll, Karpardaz of Baboo Moorlee Ram, Baboo Huree Ram, and Boboo Sreeram, Maliks of Mouzah Jaintpore, Pergunnah Baul, in Zillah Sarun, Plaintiffs, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue:—

Class I.—Permanently settled estate Nos. 73-74, Mouzah Dearah, Chuck Deanut, and Chuck Amanut, Mahazee Bankipore Jayber, Pergunnah Azeemabad, recorded proprietor Chooni Muhtoe, Sudder Jumma, Rs. 1,854-3-9.

The rights and interests of Ramlol Muhtoe, Ticcadar, and Beharee Muhtoe, Security, are only to be sold.

ED. LOCKWOOD,
Depy. Collector in Charge.

PATNA COLLECTORATE,
The 19th January 1866.

IN THE COURT FOR RELIEF OF INSOLVENT DEBTORS AT SINGAPORE.

In the matter of *Joaquim d' Almeida* and *Jose d' Almeida*, of Singapore, Merchants, carrying on business at Commercial Square, in the Town and Island of Singapore, in the name and style of *Jose d' Almeida and Sons*,—Insolvents.

On Tuesday, the 10th day of October instant, it was ordered that Monday the 11th day of February 1867, should be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvents should be discharged personally, as well as to their after-acquired property, from all liability for debts, claims, and demands of and against the said Insolvents at the time of the filing of their petition for relief.

GEO. W. LECERF,
Chief Clerk.

CHIEF CLERK'S OFFICE,
Singapore, 14th October 1865.

LOST.

Right hand halves of Government of India Notes sent by Post from Calcutta to Koosteah—

A/26 64156, A/9 73846, A/9 80251, A/9 87681, A/9 43588, at Rs. 20 each.

A/19 18210, A/19 09329, A/7 59826, A/19 15522, A/7 80037, A/7 85850, at Rs. 10 each.

LOST.

A portion of the right half of the Government Currency Note No. A/11 90386, for Rs. 50.

LOST.

Second half of Government Currency Note No. A/14 04845 for 100.

SUDDOY GHOSE.

LOST.

First half of Currency Note No. A/14 08251 for Rs. 50, which was forwarded in a letter from Calcutta to Santipore on the 11th January 1866.

LOST.

The first half of a Currency Note No. A/9 25581, for Rs. 20.

KASSENAUTH BURRAL.

NORTH-WESTERN BANK OF INDIA.

IN LIQUIDATION.

TO PROPRIETORS.

An eighth and probably final dividend of Rs. 4 per share in further part of Capital will be payable in cash to proprietors, on and after the 12th instant, at the Bank Office here.

Production of share certificates will be required, as on previous occasions.

77, CLIVE STREET,
CACUTTA;
1st February 1866.

J. H. FERGUSSON,
Winding-up Manager.

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—Rs. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL Rs. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE:

CALCUTTA, No. 186, OLD CHINA BAZAR.

DIRECTORS:

LALLAH CHEERUNJEE LALL, of Delhi, Banker.
LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furrucknuggur and Calcutta, Banker and Merchant.
LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.
LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.
LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.
LALLAH BARROOMULL, of Saharunpore, Zemindar.
PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hyderabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demnad, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3 months' notice, 3 per cent.
6 do. 4 per cent.
12 do. 5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms :—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates :—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

LATEST SAFE DATES FOR THE OVERLAND MAILS

From Calcutta to Bombay, during the year 1866, *subject, however, to revision, on extension of the Railway Lines.*

From Calcutta.		From Bombay.*
Vid Southampton.	*Vid Marseilles.*	
6th January 1866.	7th January 1866.	14th January 1866.
21st " "	22nd " "	29th " "
6th February "	7th February "	14th February "
21st " "	22nd " "	1st March "
6th March "	7th March "	14th " "
21st " "	22nd " "	29th " "
6th April "	7th April "	14th April "
21st " "	22nd " "	29th " "
6th May "	7th May "	14th May "
16th " "	17th " "	24th " "
1st June "	2nd June "	9th June "
16th " "	17th " "	24th " "
30th " "	1st July "	9th July "
15th July "	16th " "	24th " "
31st " "	1st August "	9th August "
15th August "	16th " "	24th " "
31st " "	1st September "	9th September "
21st September "	22nd " "	29th " "
6th October "	7th October "	14th October "
21st " "	22nd " "	29th " "
6th November "	7th November "	14th November "
21st " "	22nd " "	29th " "
6th December "	7th December "	14th December "
21st " "	22nd " "	29th " "

* The Mail Steamers will leave Bombay at 10 A. M. on the dates shown in this list.

CALCUTTA,
The 5th January 1866.

C. K. DOVE,
Post Master General of Bengal.

NOTICE.

Memorandum of the dates fixed for the despatch of the Overland and Rangoon and Moulmein, &c., Mails from Calcutta and China and Australia Mails from Bombay during the year 1866.

Dates of departure from Calcutta of the P. & O. Company's Steamers during the year 1866.	Monthly.	Mid-monthly.	Dates of departure from Bombay of the P. & O. Company's Steamers with the Overland Mails to Suez during the year 1866.	Monthly. †	Mid-monthly. †	Dates of departure from Bombay of the P. & O. Company's Steamers with Mails to China and Australia during the year 1866. ‡	Monthly.	Mid-monthly.	Dates of departure from Calcutta of the Services Mauritius Messageries Imperiales Overland French Mail Steamers.	Calcutta and Burmah Steam Navigation Company's Contract Steamers. Chittagong and Akyab Line. *	Akyab, Rangoon, and Moulmein Line. *	Rangoon, Moulmein, Penang, Malacca, and Singapore Line. *	Bombay, calling at Bimlipatam, Vizagapatam, Coconada, Mussulipatam, Madras, Negapatam, Columbo, Tuticorin, Cochin, Calicut, Cannanore, Mangalore, and Carwar.
January 1866	9th	23rd	January 1866	14th	29th	January 1866	15th	30th	3rd Jan. 1866	Leave Calcutta on the 6th and 22nd of each month.	Leave Calcutta on the 1st and 16th of each month.	Leave Calcutta on the 7th of each month.	Leave Calcutta on the 15th of each month.
February "	9th	23rd	February "	14th	1st March	February "	15th	2nd March	3rd Feb. "			Do. Rangoon, about 12 do.	Leave Bimlipatam, about 18th do.
March "	9th	23rd	March "	14th	29th	March "	15th	30th	3rd March "	Chittagong, about 8th and 24th of each month.	Akyab, about 3rd and 19th of each month.	Do. Moulmein, " 14 do.	Do. Vizagapatam, 18th do.
April "	9th	23rd	April "	14th	29th	April "	15th	30th	3rd April "		Rangoon, about 9th and 25th of each month.	Do. Penang, " 19 do.	Do. Coconada, 19th do.
May "	9th	23rd	May "	14th	24th	May "	15th	30th	3rd May "	Arrive at Akyab, 9th and 25th of each month.		Do. Malacca, " 21 do.	Do. Mussulipatam, 20th do.
June "	9th	23rd	June "	9th	24th	June "	15th	30th	3rd June "		Arrive at Moulmein, 10th and 26th of each month.	Arrive at Singapore, about 22 do.	Do Madras, 24th do.
July "	9th	23rd	July "	9th	24th	July "	15th	30th	3rd July "	Leave Akyab, about 10th and 26th of each month.		Leave Singapore, 26 do.	Do. Negapatam, 25th do.
August "	9th	23rd	August "	9th	24th	August "	15th	30th	3rd August "		Leave Moulmein, 12th and 28th of each month.	Do. Malacca, about 27 do.	Do. Columbo, 28th do.
September "	9th	23rd	September "	9th	29th	September "	15th	30th	3rd Sept. "	Chittagong, 12th and 28th of each month.		Do. Penang, " 29 do.	Do. Tuticorin, 29th do.
October "	9th	23rd	October "	14th	29th	October "	15th	30th	3rd Oct. "	Arrive at Calcutta, 14th and 30th of each month.	Rangoon, 14th and 30th of each month.	Do. Moulmein, " 3 do.	Do. Cochin, 30th do.
November "	9th	23rd	November "	14th	29th	November "	15th	30th	3rd Nov. "		Akyab, 3rd and 17th of each month.	Do. Rangoon " 5 do.	Do. Calicut, 1st do.
December "	9th	23rd	December "	14th	29th	December "	15th	30th	3rd Dec. "		Arrive at Calcutta, 5th and 19th of each month.	Arrive at Calcutta on 10th of each month.	Do. Cannanore, 2nd do.
													Do. Mangalore, 3rd do.
													Do. Carwar, 3rd do.
													Arrive at Bombay, 5th do.
													Leave Bombay, 15th do.
													Do. Carwar, about 16th do.
													Do. Mangalore, 17th do.
													Do. Cannanore, 18th do.
													Do. Calicut, 18th do.
													Do Cochin, 19th do.
													Do. Tuticorin, 20th do.
													Do. Columbo, 20th do.
													Do. Negapatam, 24th do.
													Do. Madras, 30th do.
													Do. Mussulipatam, 1st do.
													Do. Coconada, 2nd do.
													Do. Vizagapatam, 3rd do.
													Do. Bimlipatam, 3rd do.
													Arrive at Calcutta, 5th do.

* When the date of departure falls on a Sunday according to the above Table, the Steamers will leave on the Monday following.
† The Mail Steamers will leave Bombay on the above dates at 10 A. M.
‡ The Mail Steamers will leave Bombay for China on the above dates at 9 A. M.

CIRCULAR No. 60.

Copy forwarded for the information and guidance of all Postal Officers.

CALCUTTA,
The 5th January 1866.

C. K. DOVE,
Post Master General of Bengal.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 5.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, FEBRUARY 3, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 26th January 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

REGISTRATION ACT AMENDMENT BILL.

The Hon'ble MR. GORDON introduced the Bill to amend Act No. XVI of 1864 (to provide for the Registration of Assurances), and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that the Bill which he had the honour to lay before the Council did not propose to make any very important alterations in the existing law. The causes which had led to the revision of the Act now in force were the doubts which had been entertained regarding the meaning of some of the most important provisions of the Act, and the difficulties which had been experienced in working the machinery of registration.

In the form of the Act some changes were proposed, but only with a view to render the law more intelligible to the public. All the information which a man about to register a document would be likely to require, was collected under separate headings, thus;—

What documents are registrable; and of these—when the registration is compulsory and when only optional:

The place where documents must be registered:
The time within which they must be presented:
The persons by whom they may be presented:

How the attendance of persons whose presence is essential to registration could be enforced:

The effect of registration:

And, in case of refusal to register, the remedy for such refusal.

At present much of this information could only be gathered after close study of the whole of the Sections of the Act.

The most important alteration of all, and that which had caused the necessity for the revision of the law, had regard to the presentation of documents for registration. The framers of the original law had made use of the word party, sometimes in its legal and technical sense, and sometimes in its colloquial sense, until it was difficult to understand what the effect of the law really was. After a good deal of hesitation, the established interpretation was that the persons who executed the document could alone present it for registration. In some respects this course possessed an advantage. If the man who executed the document appeared before the Registering Officer and said, "Register this document. I executed it. I have borrowed the money. I have rented this house"—then the Registering Officer could proceed to register at once, for no better evidence could be procured. But it was obvious that the person who executed a document was the last person who would take trouble or incur expense in order to cause it to be registered; and, moreover, he never had possession of the document. Then it might be said, that it was in the power of the person who lent the money to say to the person who came to borrow.—"Execute the bond now—then go and get it registered—and when you come back with the bond duly registered, then you shall have the money." This was in fact what was now taking place. But the evil of it was that it created the necessity for two transactions instead of one. There must be the execution of the document—then there must be a separate transaction for the payment of the consideration money. The practice in the Mofussil was generally this. The man who wanted to buy a field, say, went to the seller: he took two friends with him: the terms of the bargain were discussed and settled; then the scribe of the village was sent for, and the whole was reduced to writing, and the witnesses who attested the signature of the executing person were witnesses also of the payment of the consideration money. One of the commonest pleas in Civil suits in the country was this: the execution of the document was admitted, but the payment of the consideration was denied. But under the practice which had hitherto obtained, the same witnesses who proved the document proved also the payment of the consideration money. If however the law had the effect of dividing the transaction into two separate parts, the difficulty of arriving at a correct decision would be greatly increased. The Bill proposed that documents might be presented either by the persons who executed them, or by the persons who claimed under them, but registration could not take place unless the persons who executed them admitted that they had done so.

The next point to which he would refer was an entirely new provision. It was this. When through unavoidable accident a document had not been presented within the two or four months prescribed by the law, then the Registrar might accept it up to six months on the payment of a penalty. The Bill proposed to vest this discretion in the Registrar, who was generally the Collector or Judge, or always an officer of considerable experience. The law was very stringent as it now stood. However genuine the document might be, and however anxious all the parties to it might be to have it registered, still it could not be registered if the time for registration had expired. This was frequently the cause of great hardship. The effect of non-registration was very much the same as the effect of writing a document on unstamped paper. In both cases, the effect was to render it not receivable in evidence in the Civil Courts. This of itself was an evil of considerable magnitude, and if proper precautions were taken that none but *bonâ fide* documents were registered, the more that could be done to facilitate registration, the better. The proposal was in fact to adopt the procedure enacted for the same purpose in the Stamp Law. From enquiries which he had made in the Presidency towns, it seemed as if the hindrances to registration must be considerable; for in Calcutta only 2,292 documents had been registered during the past year, and in Bombay only 2,644. The details of the registration in Calcutta showed that, of the whole number registered, 1,686 were documents the registration of which was compulsory, and 606 optional; rather more than one-half were in English.

The Bill proposed to alter the law as to the remedy for refusal to register. At present the law laid down that the Registering Officer should not be a party to the suit to compel registration: the result of this was that the parties to the document other than the plaintiff, were sued. But it often happened that they had no objection to rgistration taking place. The fact often was that registration was refused by the Registering Officer because the requirements of the law had not been complied with. But there was no one whose interest it was to press this on the notice of the Court, and the result was that in some cases orders had been issued by the Courts compelling registration when the provisions of the law had not been obeyed. The Bill proposed to remedy this by permitting the Registrar to be made a party to the suit. He would thus have an opportunity of defending his acts. Another Section proposed to protect him from damages and loss when his acts were shown to have been done *bonâ fide*.

The position of the Registrar of the District was somewhat altered by the Bill. As the law now stood the Registrar was compelled to register all documents which referred to property situated partly in one District and partly in another. Now in a great part of India the Registrar of the District was the Collector, and his duties required him to travel about a great deal. This enabled him to exercise a useful supervision over his subordinate Sub-Registrars, but it made the actual work of registration very inconvenient. The Bill proposed to relieve him of all original registration except in the case of Wills and authorities to adopt, which were not numerous.

The object in view in the alteration in the mechanical part of the Bill was to get rid of the present system of making copies of copies. According to one Section of the present law, it was possible that a document might be produced in Court which was the fifth in descent from the original. Each copy was not unlikely to contain clerical errors, which would again be perpetuated and multiplied in each fresh series of copies. Moreover, the present system rendered it necessary to maintain larger establishments than were absolutely necessary.

As the law now stood, the seal and signature of the Registering Officer were *primâ facie* proof that

the document had been duly registered. This was all that could be reasonably expected, but it left an opening for the opposite party to prove that the Registrar had not been duly appointed, or that his procedure had been illegal. It was hard that people should suffer for faults which they had not committed, and the Bill contained a proviso that no registration should be set aside in consequence of any such technical defects.

One of the great difficulties which was experienced in the administration of this country was the great number of vernacular languages. In Bombay there were no less than six; and in Madras he believed there were as many. The law said that when a document was presented to the Registrar written in a language which he did not understand, he should refer it to his superior. Now the chances were that the superior did not know more languages than the subordinate; it was hard that the law should make a man travel about, and thus lose more time than was necessary. The Bill accordingly proposed that when a document was presented in a language not understood by the Registrar, it should be accompanied by a translation and a copy; and that the copy should be filed, and the translation should, for the purpose of making the other copies and the abstracts required by the Bill, be treated as if it were the original. A further provision laid down that the Local Government should decide what languages were to be recognized.

There was one subject not dealt with in the Bill, regarding which he thought a few words ought to be said. Certain gentlemen connected with the cultivation of Indigo in the District of Jounpore, in the North-West Provinces, had represented that the Act bore hardly on them. Enquiries had been made in the Lower Provinces, and it appeared that the same system of cultivation prevailed in the District of Shahabad, and partly also in the District of Sarun. That system was this. The Planter took up land, field by field, from individual cultivators. The conditions were that he should gather two crops, but the last crop could not be gathered in within twelve months; therefore the lease was, though nominally for one year, in reality for about fifteen months. The Act made registration compulsory in these cases, and the Bill did not propose to alter the law in this respect. Those gentlemen in stating their case laid great stress on the expense of registration and on the difficulty of inducing the cultivators to take the trouble of attending at the Registration Office. And they pointed out that they themselves were not authorized to present the lease for registration. The Bill proposed to authorize the person claiming under a document to present it for registration. And it also provided a procedure for compelling the attendance of the persons whose presence was necessary to registration. As to the question of expense, the fee on the registration of leases could be altered by the Executive Government, and he thought it had been reduced.

But if any alteration were about to be proposed in the main features of the existing law—if the list of documents, the registration of which was now optional or compulsory, was to be revised—he thought that alteration ought to take place in quite a different direction from that desired by these gentlemen. When alteration of this nature took place, he hoped it would be to make the registration of all documents relating to immoveable property compulsory, rather than to increase the number of those the registration of which was now optional.

There was no doubt that the line drawn by the present law was very arbitrary. It was quite possible for a man to evade the law altogether by dividing his estate into small lots of less than Rs. 100 in value each, and then the public would lose the advantage of being able to inspect the register of titles. So again the registration of a deed of sale of a piece of land valued at less than Rs. 100 was optional, but a lease of the same piece of land for thirteen months must be registered.

The Bill had been framed after communication with the Registrars General of Madras and Bombay and of the North-West Provinces, and he (Mr. Gordon) desired to express the great obligation which he was under to Mr. Heeley, the able and energetic Registrar General of Bengal.

Most of the alterations to be found in the Bill now before the Council had been suggested by difficulties which had occurred in the practical working of the present Act.

The Hon'ble the MAHARAJA OF VIZIANAGRAM thought that there was one portion of the Bill which would probably not be well received by the Mahomedan community of Bengal. He referred to Section 21, which provided that "If any document tendered for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a copy and a translation into a language commonly used in the District; and such translation shall be registered and such copy shall be filed in his Office." Now there were very many instruments of importance, such as deeds of marriage settlement, dower, religious endowments, &c., which were drawn up, amongst the Mahomedans of Bengal, in the Persian, language, of which a translation into the language commonly used in the District,—viz., Bengáli might fail to convey the precise meaning of the conditions, &c., of the instruments in question. It would be obvious to his Hon'ble Colleagues, that such a measure would be productive of considerable inconvenience to parties by leaving open a door to litigation, and of which advantage might be taken by interested individuals. He would therefore beg that the question be referred to the Select Committee for consideration, and for making such alterations in that Section as might appear to them likely to obviate the evil pointed out.

The Hon'ble MR. MAINE said that with regard to presentation of a document in a language unknown to the Registering Officer, the provision contained in the Bill was in case of the person presenting the document. As the law now stood, he was put to considerable trouble in taking the document to another Registering Officer; but the Bill provided that if he tendered a copy and translation, the copy should be filed and the translation registered. The provision was therefore obviously in his favour.

The Hon'ble COLONEL DURAND said that great weight should be given to the remark of the

Mahárájá of Vizianagram, because in all these languages it was often exceedingly difficult to give correct equivalents. The Mahárájá had specially drawn attention to Mahomedan documents; to these his remark did apply particularly. There were many obscurities and peculiarities connected with the various social matters to which such documents often referred, and it would be exceedingly difficult really to produce equivalents in any of the vernacular languages of India for the terms relating to such matters. He (Colonel Durand) would therefore recommend careful attention to what had fallen from the Mahárájá.

If he understood the mover aright, the Bill provided that the translation was to have the same force and the same validity as the original. If so, the provision required very serious consideration.

The Hon'ble Mr. Gordon said that the Bill proposed that the copy should be filed and the translation registered. Therefore any body who could understand the language would find from the copy exactly what he required. It was only for the purpose of making the copies and abstracts required by the other parts of the Bill that the translation would be treated as if it were the original.

The Hon'ble Colonel Durand said that he might have misunderstood the Hon'ble Member. He understood him to say that copies might be taken in the original or in one of the vernacular languages, and that a copy taken in the vernacular would be of equal value with the original.

The Hon'ble Mr. Maine explained that what was filed was a copy of the document in the language in which it was drawn up, but the person filing it, at the same time, tendered a translation which amounted in fact to putting his own construction on the copy.

The Motion was put and agreed to.

Burmese Recorders' Courts Act Amendment Bill.

The Hon'ble Mr. Maine moved that the Report of the Select Committee on the Bill to amend Act No. XXI of 1863 (to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein in British Burmah, and to establish Courts of Small Causes in the said Towns) be taken into consideration. He said that, as regarded so much of the Bill as he had explained and described when he asked the Council to refer it to the Select Committee, no amendment whatsoever was proposed, but since the Bill had been before the Committee, they had had the advantage of consulting Mr. J. Pitt Kennedy, the Recorder of Rangoon and Moulmein, and he had suggested the addition of three Sections, the desirability of which was so obvious that he believed the Council could not refuse to pass them.

Section 12 (the first of the new Sections) provided that the Registrar's powers as a Small Cause Court Judge should be exercisable by the Recorder.

Under the Act the Registrar had, up to a certain amount, the powers of a Small Cause Court Judge. It might well happen that the Registrar's file would be overfull, while the file of the Recorder was not full enough. It was clear therefore that, under such circumstances, the superior Judge should have power to take a case off the file of his subordinate Judge and try it himself.

Section 13 merely corresponded with a Section in the unamended Bill, which provided for the appointment of an Acting Recorder in the absence of the permanent Recorder. Section 13 made similar provision in regard to an Officiating Registrar, and empowered the Recorder, or, in his absence, the Commissioner of the Division, to appoint an Officiating Registrar, who might hold at the same time any other office under Government.

Section 14 empowered the Recorder to make rules of practice and prescribe forms. Such rules and forms must be published in the official Gazette, must be consistent with the Code of Civil Procedure, and must receive the sanction of the Chief Commissioner. The Section closely resembled one in the Punjab Chief Court Act.

The Motion was put and agreed to.

The Hon'ble Mr. Maine also moved that the Bill as amended be passed.

The Motion was put and agreed to.

Arms' Act Continuance Bill.

The Hon'ble Mr. Maine, in moving for leave to introduce a Bill to continue Act No. XXXI of 1860 (relating to the manufacture, importation, and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases) and for other purposes, said that the Act which he proposed to continue—Act XXXI of 1860, commonly know as the Arms' Act—was limited by its last Section to a duration of five years. As the expiration of that period approached, although His Excellency in Council, as Mr. Maine believed, had little or no doubt of the expediency, or indeed the absolute necessity, of continuing the measure, nevertheless, in deference to the hesitation implied in the restriction imposed by the former Legislative Council, the Government had thought fit to institute an enquiry throughout India as to the operation of the Act, and, pending that enquiry, the Act had been continued for a single year which would end next October. The branches of the enquiry—this would be found in a letter from the Home Secretary addressed to all Governments and Administrations, which would shortly be circulated—were three. First, it was asked generally whether the Act had worked well and ought to be continued. Next,—and this question was suggested by the uneasiness known to prevail when the measure was originally under discussion—it was enquired what had been the working of the Act with regard to European British subjects. Thirdly, in consequence of reports which had recently reached the Government, it was asked whether the disarming of the country had encouraged the multiplication of wild animals. To take the second question first: there was a unanimity of testimony that no European and no Native of approved loyalty had been disarmed under the Act. The rule of exemption, which, he supposed, might be

regarded as typical of the rules in force throughout India, ran thus in the Central Provinces:

Every European or East Indian or Parsee or Soldier or Officer of any Department in the service of Her Majesty is exempted from the operation of Rule IX. Natives of rank with their retainers, and Natives of eminent loyalty and respectability, may be similarly exempted by special order of the Chief Commissioner.

In reply to the first enquiry, there was also no variation in the answers from a statement that the Act had worked excellently; and, indeed, in some of the answers there might be traced a feeling of surprise that the question was asked whether it should be continued. Some of the papers bearing on the point were highly interesting. Most people would admit that the habitual carrying of arms, except for the purposes of sport, was a mark of barbarism. But it could scarcely have been predicted that so much softening of manners, and consequent advance in civilization, would be produced by the mere prohibition to carry arms. It was not too much to say that this measure had altered and mitigated the character of crime over a great part of India. He would read some passages from the papers in his hand.

The Commissioner of the Nagpore Division reported that the Act appears to have worked well in his Division. Considers that the powers which the Arms' Act confers are of great use in checking crimes of violence, and tend much to keep the people of the country quiet.

The Commissioner of the Nerbudda Division also stated that the Arms' Act appears to have worked well enough in his Division. Few arms are carried without license. The provisions of the Act are believed to have a good tendency, in making those who might at times use arms for bad purposes in affrays, &c., forget their use. Is of opinion that the power to disarm is useful, and should probably be retained.

The Secretary to the North-West Government wrote as follows:—

It will be observed that the Officers consulted are unanimous in the opinion that the Act has worked well. The Inspector General of Police and other Officers report that its operation has been beneficial in checking aggravated affrays and such like outrages, and all approve of its continuance.

And one of the Commissioners of the same Provinces added—

"Some of the Magistrates have expatiated on the almost total cessation of the aggravations which used to accompany, and of the acts of violence which used to be the crimes of former days, before the people were disarmed; and there is no doubt that the change has been most marked and a most desirable one; and some of the Magistrates assert that it is fully appreciated by all the well-disposed."

The Commissioner of the Allahabad Division made some striking remarks—

The Native population have, I think, quite fallen into the way of thinking that lethal weapons are not necessarily essential accompaniments in the daily avocations of life: and I am quite convinced that their absence has led to a diminution of the more heinous modes of personal attack. Independent, therefore, of the object with which the Act emanated, I am of opinion that its promulgation has indirectly tended to much benefit in the removal of the means by which outrages were committed either in the heat of quarrel or in more deliberate revenge; and, under this impression, I would earnestly advocate a continuance of the Act.

The following passage was from the report of the Magistrate of Humeerpore:—

In this respect the habits of the people have undergone a marked change; they pursue their ordinary avocations and frequent places of public resort, and also journey from village to village without preferring requests for permission to carry arms; in fact, for the most part, they acknowledge that the necessity for such action does not now exist.

From Jhansi the Deputy Commissioner wrote:—

With reference to Circular No. 8 A of 1865, dated the 27th ultimo, calling for report on the general working of Act XXXI of 1860, I beg to remark that I consider the Act has worked well towards the repression of crime, in bringing about a general disarming of the population, thereby causing more settled and peaceful habits among the inhabitants, who now feel that a strong Government is a better protection for person and property than any amount of weapons carried by the individual.

Lastly, Mr. Maine would quote a passage from the Commissioner of Patna:—

"Some months ago, however, it was brought to my notice that a number of cases of wounding with lethal weapons had occurred in Patna, and this led me to make more stringent use of the provisions of the Act. There are a large number of *budmashes* in Patna, who have no regular means of livelihood, but simply attach themselves as servants of gambling-house-keepers or women of the town. These men are in the habit of wearing arms, and, on the occasion of quarrels arising (an event of by no means rare occurrence), of using them without hesitation. As there is not the slightest reason for these men wearing arms, and as their carrying them renders breaches of the peace not unfrequent, I have directed the Police to enforce the provisions of the Act, requiring a license for wearing such arms more stringently. The effect has been beneficial, and I would strongly recommend the Sections of the Act by which judicious interference is allowed being continued in force; such interference is useful as a most wholesome check on needless carrying of arms, and I have seen or heard of no instances in which the interference has been prejudicial or unwarranted."

It was useless to multiply further authorities for the proposition that the effects of the measure had been most wholesome and ought not to be arrested.

On the last point submitted to the Local Governments the evidence was less uniform. The local Officers were not absolutely agreed whether wild animals had or had not increased in consequence of the Act.

From the Central Provinces, it was distinctly reported that—

Wild beasts have not increased on account of the prohibition against carrying arms. People in danger from wild animals are sufficiently provided to protect themselves.

So also in the papers from the North-West, Mr. Maine found the following statements:—

The Superintendent of the Dhoon states that he sees no reason to believe that wild animals have increased. The Magistrate of Scharunpore states they have decreased. Being a good deal in the jungles in those Districts, I have good opportunities of judging, and I believe these opinions are correct.

The Magistrate of Moozuffernuggur thinks the number of wild animals has increased. I fancy Mr. Martin must refer to wild pigs principally, though he mentions pigs and deer. I see no increase of the latter; the extension of swamp and jungle in the Ganges valley has doubtless led to an increase of pigs, but the remedy for that—reduction of the swamps—is being applied.

And again in a report from Humeerpore, it was stated—

The ravages of wild animals have not, so far as this District is concerned, increased in consequence of the operation of Act XXXI of 1860. On the other hand, the destruction of such animals and consequent payment of rewards have rather progressed since its promulgation.

The opposite view was, however, very strongly taken by certain Officers. The following passage occurred in a letter from the Government of Oude:—

With reference to the statement of persons licensed to carry fire-arms for the destruction of wild animals, submitted for the Districts of your Division in compliance with my

Circular No. 40-1390, dated 18th June last, I am directed to observe that it appears to the Chief Commissioner that, except in the Districts of Mohumdee, Baraitch, Gondah, and Hurdui, very few licenses to carry arms for the destruction of wild animals have been given. The Chief Commissioner has been much struck during his present tour in the Oonao District with the great increase of deer and neelgae, and has heard loud complaints of the injury done by them to the crops, which his own observation has shown to be well founded. He is convinced that in some parts near the Ganges, the reclamation of waste lands is retarded by reason of the ravages of these animals, especially the neelgae, which swarm along the banks of that river. The Chief Commissioner has also received complaints of the injury done by wild pigs, which harbour in jungles of the Sooltanpore District; and there are probably few Districts which do not in some parts suffer from the ravages of wild animals.

In the North-West, the Commissioner of the Agra Division reported very emphatically :—

I myself think that in the Doab portion of the Muttra District, and also in Etah and Mynpoorie, the antelopes have largely increased, or at all events have become more troublesome since the general disarming of the people; but a judicious distribution of licenses for fire-arms (*not swords*) by the several Magistrates will in time mitigate this evil. Mr. Hume, of Etawah, ought to know his own District; but from my own observation there, the immense herds of antelopes appear in some parts to be almost tame and to dispute possession of the country with the human inhabitants. Perhaps this, however, is no new state of things. In regard to the general question, it is my hope and desire that the rising generation of towns-people and peasants shall grow up unaccustomed to the use of arms.

From Bombay also, the Government was informed to the following effect :—

"A belief that hog, antelope, and neelgae have increased considerably in parts of this Collectorate since the disarming is prevalent, and I think there is some foundation for it. There can be no doubt that the damage done to valuable crops by these animals, by the hog in particular, which are very destructive, and which swarm in some of the Districts bordering on the Mhyee, Saburmutti, and other rivers, is very great, and I imagine that some steps will have to be taken before long to reduce their number. The cultivators do not, however, complain to me or to any Assistants of their not being able to protect their crops against the ravages of these animals in consequence of the number of arms that were allowed for each village being insufficient for the purpose."

And the Governor in Council put on record his opinion in this form—

RESOLUTION.—It appears clear that wild animals, especially antelope, neelgae, and hog, have increased in number in several Districts of the Presidency in consequence of the disarming measures carried into effect under the provisions of Act XXXI of 1860. Beasts of prey have increased in number in some places, but not to such a degree as the animals named above. There can be no doubt that in some villages the crops must be liable to be injured if the villagers are not allowed a freer use of arms than hitherto, and the Hon'ble the Governor in Council concurs, therefore, in the suggestions made by the two Revenue and Police Commissioners.

Mr. Maine might add that he had recently observed a statement in the transactions of an English scientific society, to the effect that certain wild beasts, supposed to be extinct in particular parts of India, had recently re-appeared there. Among these was the Indian lion, which had been supposed to be expelled to wild countries like Kattiawár. Mr. Maine would, however, observe that any objection derived from the multiplication of wild animals, was an objection which applied to the administrative working out of the measure, and not to the measure itself. The only inference was that licenses had not been granted in sufficient abundance. Mr. Maine thought that perhaps the Legislature might be slightly in fault, for, on reading Act XXXI of 1860, he perceived that while licenses to manufacture arms and ammunition might be made subject to a condition, and were forfeited when a breach of the condition occurred, there was no distinct power given to modify by conditions a license to carry arms. A very slight alteration in the Act would enable the local officers to make the license depend on some such condition as that which was described in the following passage, and which was very generally recommended :—

Mr. Forbes has noticed a very judicious condition which he has annexed to the privilege of carrying arms, viz., that five black buck antelopes shall be given in at the nearest Tahsil for each license annually. I think this principle should be adopted everywhere. I would allow only wild elephants to be driven off, and for this purpose each village, where elephants come to destroy the crops, should have a gun unconditionally. But with this exception every man licensed to keep a gun should show that he kept it for a proper object and used it for the purpose. Where prevalence of tiger is the excuse, the licensee should be bound to bring one tiger a year. If a man really keeps a gun to kill tigers, there would be no difficulty or danger in fulfilling the condition; such a man can always find out a tiger's habits and post himself in a tree or some line which the animal frequents, or he can take advantage of a bullock or cow being killed and take up a position and kill the tiger. Where the injury committed by wild pigs is the excuse, the man should be bound to bring in four of these wild animals. I should add four does to the four buck antelopes the licensee is bound to give in where this class of deer abound. If a man really carries a gun to get rid of these animals, he could with ease kill one a month.

With the exception of the slight change he had just described, Mr. Maine's Bill would simply continue the existing Act. Mr. Maine did not purpose absolutely to perpetuate it. A time might come when the Government of India would be able to dispense with these stringent powers. But that time was so remote that is was not worth while attempting to fix it conjecturally. The Bill would therefore continue the Act until the Governor-General of India in Council should otherwise order.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill to amend Act No. XVI of 1864 (to provide for the Registration of Assurances)—His Honour the Lieutenant-Governor, the Hon'ble Messrs. Maine and Taylor, the Hon'ble the Máhárájá of Vizianagram, and the Hon'ble Messrs. Muir and Cowie and the Mover.

The Council adjourned till the 2nd February.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

CALCUTTA,
The 26th January 1866.

HOME DEPARTMENT.

Present condition and prospects of the Indo-European Telegraph.

From LIEUTENANT COLONEL F. J. GOLDSMID, Superintendent, Indo-European Telegraph, to Secretary to Government, Bombay, Teheran, 4th November 1865.

The perusal of an article headed 'Indian Telegraph,' copied into the *Bombay Times* of the 25th September last, from the *London Times* of the 26th August, has confirmed the intention which I had before entertained of submitting to Government a statement of the present condition and prospects of the Indo- European Telegraph, the direction of which has been entrusted to my hands. However temporary the nature of the charge as regards myself individually, I feel it incumbent to place on record the causes of shortcomings and failures, so that there should be no future misunderstanding on the subject at a time when successful working shall be the rule and not the exception. The public Press, especially in India, has been commenting freely on these things; and although I am not sensible that any personal allusions have been made to. call for individual explanations, it is is natural to infer that the Director General, or Superintendent of the Indo-European Telegraph, is the proper person to acquaint with his proceedings that Government to which he is immediately responsible. It will rest with His Excellency the Governor in Council to place such a statement* before the public, or otherwise.

* Or any portion of it.

Two years ago, after failure of the Red Sea cable, a new means of Sub-marine communication from India westward, was found in the Persian Gulf. Under the intelligent superintendence of the late Lieutenant Colonel Patrick Stewart, this cable was laid from Kurrachee to the mouth of the Shatt-ul-Arab; and, at the active instigation of the same talented officer, a Convention was concluded with the Ottoman Government, stipulating for the use of a land line in course of completion through Asiatic Turkey, from Scutari to Fao. Further, and to provide against accident between Bagdad and Bushire, negotiations were opened for an alternative land line through Persia, of which these two stations were the termini.

The cable from Gwadur to Fao was laid in March; and the Turkish Convention signed in September 1864; the Turkish Asiatic land line first took messages from the cable in February 1865: the Persian auxiliary line opened in the following month. Colonel Stewart had died at Constantinople on the 16th January of the latter year, a few days befor the first message was conveyed by the Indo-European Telegraph.

I am not aware that this *fait accompli* was received with any surprise. Reports were heard of international exchanges of congratulation; but little more. Being out of the way, at the time, of reading newspapers other than those on the table of Pera Hotel, I may have missed seeing a congratulatory notice that England had, for the first time, been linked to India by an electric wire of nearly 5,000 miles in length. Yet it did not appear unreasonable to suppose that some such article might have been written. And of the distance traversed, at least one-third was through a part of Asia where telegraphs were either comparatively new, or wholly unknown. Assuredly in this achievement, the magnitude of the work has not been exaggerated.

Now let us examine the whole Line, and see, piece by piece, how it is composed, and under what control placed. We will next preceed to defects, causes, and means of amelioration, treating the subject generally and without unnecessary technicalities.

A message for despatch to India is given to a Telegraph Company, such as the Electric and International or Sub-marine. As a general rule Government has no connection with the London Telegraph Offices, takes no part in a European Telegraphic Congress, and sends its own ordinary despatches much in the same way as those of a private individual. The Indo-European message does not, therefore, start from the Government hands at all.

In finding its way to India, the Telegram may take one of two great alternative Lines—the Russian or the Turkish. I will not speak of the former at present, as it has been so little used, and, except for messages originating on the Continent of Europe, it is at present more or less in abeyance. By and bye I will revert to the subject.

To reach Turkey, or rather Constantinople, there are many ways. Perhaps the two principally used are through Vienna or Turin. The former transmits its despatches, to destination, by Servia, Wallachia, or such other route as may seen expedient. The latter, choosing the Italian coast line and cable across the lower Adriatic, seeks the Turkish capital by Salmica, and the western shores of Marmora. The Telegram may consequently be dealt with, more or less, by French, Belgium, Dutch, Prussian, Austrian, Bavarian, minor German, Italian, Servian, or Wallachian Administrations, before coming into the hands of the Turks at all. A common Convention, whether it be of Brussels or Paris, binds the above-named *inter se*, but England has no part in the matter; and the European feeders of the Indo-European Telegraph, unprotected to my knowledge, as far as Constantinople by any special rules, are subject to Continental usage and practice.

Once arrived at Constantinople, the India going message comes under the *ægis* of a Convention called the 'Indo-Ottoman.' This provides it with an exclusive wire through Asia, regulates its tariff and so forth, up to Fao, where a British Staff awaits it for despatch by cable. But from Constantinople to Fao, or about one-third of the whole distance from London to Kurrachee, the Administration is Turkish; and a Convention in Asiatic Turkey is not like one in the heart of Europe. We may provide for the exclusive use of one out of two wires, the Turks may, in their anxiety to do well, set up a third, in some places a fourth wire; but we cannot provide that the Line shall be in working order and the wires free from contact. We may ascertain, by inspection and enquiry, what is requisite, and advise the Administration accordingly; but it is out of our power to control the Government of a Foreign Power as if it were our own. The Telegram in Asiatic Turkey

is, therefore, to a great extent at the mercy of unsystematic and unskilled Superintendents and Signallers, and a poorly qualified executive, except in the lower grades, where there is activity and intelligence as well as good will.

Sometimes the Telegram turns off from Bagdad, and makes its way, by the Turco-Persian Frontier at Khanikeen, through Persia to Bushire. In this country there is a British Director and Staff, whose control is so far exercised that a message may be said commonly to traverse the eleven hundred miles of Telegraph now set up in about one hour. But the local Government is disinclined to delegate its authority over line guards to the English Officers who direct the working of their Indo-European Telegraph; consequently, there are occasional interruptions through breakage, and the posts are not always of sufficient strength, or examined and renewed with sufficient attention. Majors Champain and Smith, Lieutenants Pierson and St. John, Royal Engineers, and Mr. H. V. Walton, deserve all credit for the generally excellent order of the Persian Telegraph; and it is but common justice to them and their Assistants that the public should be made aware how little of the delay in Indian telegraphic correspondence can be laid to the transit by Teheran. Had the average speed in Persia been the rule throughout the Line, messages between London and Kurrachee could pass in about five hours. But this Telegraph is not ours; it is an affair of the Persian Government, and though worked under the authority of a temporary Convention, the cost of establishment is paid by England without return whatever, except the additional security and development of her cable traffic in the Gulf and Arabian Sea.

From Fao to Kurrachee, as also from Bushire to Kurrachee, then, we have the only section of the whole Line exclusively under Government control, and for which Government and its officers are directly responsible to the public. It is Submarine, and, therefore, however costly, needs no provision for daily watching; but a special steamer keeps guard over its well-being at Kurrachee; the cable stations at Gwadur, Mussendom, Bushire, and Fao are supplied with efficient establishments, and the Director at Kurrachee has his own particular Staff. With the exception of two or three interruptions in traffic, owing to breaks in the cable, this Line has worked admirably and has realized good returns. The Indian public are well acquainted with the zeal and earnestness of Mr. Walton in managing his section; but, in comparing it with other portions of the whole Line, they must bear in mind that it presents no difficulties with which he cannot bring his own and his Assistants' energies directly to contend.

I must not omit to mention the Land Section, or alternative line between Kurrachee and Gwadur. My own exploration of this part of the country in 1861-62 enables me to testify to the skill and perseverance which must have been evinced in setting up effectually the Telegraph in Mekran, for which Mr. Walton has no doubt received the acknowledgments of Government. I am not in a position to judge of the extent to which this portion of the Line is now used, but the public have probably experienced that it is a good stand-by in the event of injury to the cable on the Indian side.

It will thus be understood that Government* exercises no *absolute control* over out-going Telegrams to India, until they reach the Sub-marine cable at Fao or Bushire; and no *qualified control* except in the Persian alternative line. Whereas home-going Telegrams are despatched by Government officials, but fall out of *all* Government control on reaching Turkish territory, whether at Fao or the Persian frontier at Khanikeen.

* Neither Government or any Officer of Government.

The above will, I trust, explain sufficiently the constitution and control of the Indo-European Telegraph, to render intelligible an investigation of the main defects of the Line, their causes, and how they can be remedied.

Resuming the old starting-point, I commence with England; and most respectfully record my opinion that as we have, in the present case, a Line of Telegraph which on the Indian side is in the hands of Government, so would it be advisable for Government to secure to the Indo-European Telegraph its special wires of communication through Europe, by Convention or written agreement with all Continental States through which traffic to India may pass. To mature and propose in detail a scheme of the kind, might be now superfluous; but the arrangement would not be complex, and might almost be effected in a single interview at the respective Head Quarters of each Administration. Whether a Government Office should receive the messages or not in London, is another question. At present I am merely contemplating certain minor and semi-political negotiations, which, to the best of my belief, Companies would profess themselves incompetent to undertake; and which might, I submit, have been provided for had we been represented at the late Congress of Paris.

With Turkey, as before shown, we had a Convention at the time the through traffic commenced; but this document referred only to the new Line in Asia, and, on the European side, delays and interruptions were frequent. The direct diplomatic communication already established with the Porte on the subject, was considered, however, sufficient warrant to negotiate generally upon the 'Indo-Ottoman Telegraph,' even after the formal Convention had been concluded. It was proposed to obtain from Turkey some guarantee for efficiency west as well as east of the Bosphorus. In the end of February last, I was authorized to take up the question at Constantinople. At this time I was not Director General of the Line. But to make the matter easy of comprehension, I must become personal, and go back a twelvemonth.

My connection with the late Colonel Stewart had been rather in a political capacity than any other. Employment on a special mission had caused me to accompany him on leaving Kurrachee to lay the cable in January 1864. We parted at Gwadur to meet again at Mussendom on the Arabian Coast. Here orders reached me to remain with the Telegraphic Expedition. When at Bagdad in April, I was directed to proceed along the Turkish Asiatic Line of Telegraph up to Constantinople. Arriving there in August, I rejoined Colonel Stewart at the latter city. For the next three months he was busily engaged in preparing the Ottoman Administration to meet worthily the responsibility they had incurred in their Convention. They had undertaken the management of a

long and difficult land line which was to receive and return, in a Foreign language, the cable communications of the Persian Gulf. There was reason to anticipate not only irregularity in transmission, but incorrect apprehension in meaning of messages. When I returned in November from a few weeks' absence in England, he was still at his work. In December I was about to leave him under instructions to proceed to Persia, but the state of his health caused me to defer departure. I need not revert to the termination of his short but brilliant and useful career in the commencement of 1865.

Authorised then, as above stated, to take up the work on which the late Colonel Stewart was immediately engaged at the period of his last illness, I felt that the wisest course was to follow, as closely as practicable, that which he had himself traced out. It is unnecessary to enter into particulars of my interviews and correspondence with the Turkish authorities between February and May. The reports are on record at the India Office. I may, however, state, as a matter interesting to Government and the public, that the Ottoman Administration is pledged, among other important concessions, to give us two special wires, one by Nissa and one by Valona, and to construct an entirely new Line for our Telegraph by the former route. Moreover, I saw scrupulously fulfilled the engagement made to Colonel Stewart to employ certain capable employés on the Line, sent out from England, and obtained a promise that twenty new Telegraphers should be added to the insufficiently supplied stations in Asia. The delays and irregularities complained of were put before the Turkish officials in detail, and dwelt upon as forcibly as appeared advisable. And I may take this opportunity of acknowledging the invariable readiness of Mr. Stuart, H. M.'s Charge d' Affaires at the Porte, to facilitate my dealings with the higher authorities of State, and the great advantage of his aid and influence whenever exercised.

In May I was summoned to England, and, under instructions from the Home Government, took charge of the Office of Director General from the 1st June. Intimation of my appointment had been telegraphed to me before this at Constantinople; but the circumstances which prevented me from acting on the Telegram cannot possess any general interest,—and the letter of nomination and correspondence regarding it were first seen by me in London some months after date.

But more remains to be said about Turkey. Our Convention with that Power was to secure a means by which India was to be placed 'in telegraphic communication with Turkey, and consequently with all the other States of Europe' The literal fulfilment has, however, failed hitherto to represent the spirit of the agreement. Telegraphic despatches may be interpreted to mean despatches of such moment that rapidity is everything to the sender, and worth, as in the case in point, one hundred times the cost of post. Now that which is worth so much more in actual coin, ought to be just so much the more efficacious: and I believe that the Indo-European Telegraph is capable, under good and systematic organisation, of being so rendered. I see no reason why messages should not pass to and fro between London and Kurrachee, in $5\frac{1}{2}$ hours, or $\frac{1}{100}$th part of the 23 days which may be allowed for postal communication by the Bombay Overland Mail.

March to July 1865 inclusive.

Mr. Courtenay, Commissioner for the Indian Telegraph at Constantinople, has forwarded for my information a Table by which the average rate of the first five months' working from Kurrachee to Constantinople is shown to be two days eight hours, and from Constantinople to Kurrachee two days twenty hours. He has not stated whether allowance has been made for difference of time in the computation; but this circumstance is not very material. If the European States worked in conformity with the Commissioner's average for Asiatic Turkey, the messages would take, at least, five days in reaching India, and such time is far too long.

European Turkey is, however, responsible for delays and interruptions, during the above period, to an extent which could not have been anticipated when the late Convention was drawn up and restricted to Asia. Mr. Walton has probably made public the actual time then required for out-going Telegrams in transit from London to Kurrachee. At all events these data must exist in his records; and where the average is unreasonably and inexplicably higher than that struck by Mr. Courtenay, the onus of blame must, in my opinion, be thrown upon the Ottoman Administration, who direct their Telegraphs west as well as east of the Bosphorous. Not that our London Companies always chose the fittest European route, or that delays and verbal errors did not occur in Austria, Italy, or other continental States; but that experience proves the heavier percentage of complaints was fairly referable to Turkey.

August to October.

It is to be feared that in the three following months there has been considerable deterioration both in European and Asiatic Turkey, for messages have reached Teheran of late, very frequently twelve days from London, and I can guarantee that the delay is not occasioned in transit through Persia. On the 16th August last, Mr. Courtenay writes that 'for several months past the telegraph service is very unsatisfactory; the delays on the Asiatic side have continued the same, if they have not even increased * * *. The European Lines of Turkey are, it is stated, also in a very unsatisfactory state, and nothing appears to be done to remedy the evil.' On the 29th September: 'Owing to the torrential rains and gales we have had during the last fortnight, the Turkish Lines, both in Asia and Europe, are working very indifferently.' On the 21st October, Agathen Effendi, the Director General of Ottoman Telegraphs, replies to a Telegram which I had despatched, on the subject of existing delays, that these had been occasioned chiefly by malicious acts recently discovered, and partly by the temporary closing of the Valona Office owing to sickness of *employés*. A Telegram three days later included 'Line repairs' among the causes of interruption. Striking an average of eight days' messages now reaching Teheran from London, viâ Turkey, I find the time taken up by each amounts to nine days.

Promises of amendment abound, as they ever did, and I have no hesitation in accepting those of the Director General of Ottoman Telegraphs as perfectly sincere. At all events, he cannot be said to want data for putting in order his Asiatic Lines; Colonel Kemball, accompanied by Mr. Greener, an able practical Assistant, inspected the whole Line from Scutari to Bagdad in 1860, pass-

ing through Asia Minor in the depth of winter. I myself, aided by Mr. Kersting, Assistant Telegraph Superintendent, inspected the same line in the summer of 1864, leaving Bagdad in May and reaching Izmid in August. Colonel Kemball's minute report and recommendations have long been available for the guidance of the Ottoman Administration. My own papers on the subject were given to Colonel Stewart, and by him made over to the Turkish Telegraph officials more than a year ago; valuable suggestions on almost every practical point were, at the same time and in the same quarter, tendered by Colonel Stewart in person.

To sum up the prospects of the Indo-European Telegraph, they are encouraging, even with reference to past results. It cannot be supposed that the electric wire can be conveyed for five thousand miles by sea and land through the whole of Europe and south-west Asia with the same facility that its progress may be traced in pencil on the Map. The Indian public need be patient for a little—say another year, or till past the ensuing winter, a season trying to new Telegraphs, especially in such regions as the Caucasus and Asia Minor. I am humbly of opinion that, unless some unforeseen great accident, physical or political, intervene, they will, ere long, possess, whatever the route, the means of sure and speedy communication with the old country. In the meantime Government may rest assured that the Officers honored with its confidence will not relax in their endeavours to attain the desired end.

Government of Bombay.

Working of the Mekran Coast and Sub-marine Telegraph.

From H. I. WALTON, ESQ., Director, Mekran Coast and Sub-marine Telegraph, to the Secy. to Govt. of Bombay,—(dated Kurrachee, 22nd December 1865.)

In obedience to Government Resolution No. 362 of 30th ultimo, I have the honor to submit a statement showing the working of the Mekran Coast and Sub-marine Telegraph to the 30th November last.

2. With a view to facilitate a comparison of the monthly receipts, I have thought it would simplify the statement if the additional information were added monthly to the previous statement instead of submitting a separate one for each month.

3. I regret to report that but little improvement in the average time of transmission between Kurrachee and Great Britain can be reported as having taken place during the past month. Neither does it appear probable that any improvement can be expected until the Ottoman Telegraph Authorities see the necessity for a more prompt and efficient performance of their duties. Colonel Kemball personally informed me that the line between Mosul and Diarbekir is in a very bad state, nearly all the interruptions taking place in that section of the Turkish Telegraph. The first section, viz., from Fao to Bagdad, works most successfully, mainly owing to the very superior manner in which it was at first constructed.

4. In writing to Mr. Brasher from Constantinople on the 16th November, Mr. Courtenay, the English Telegraph Delegué there, reports as follows :—'Since yesterday the Asiatic lines are entirely interrupted. In fact, notwithstanding all the promises made to Colonel Goldsmid and myself and the constant representations made in writing and verbally to the Porte and to our Embassy here, matters are getting from bad to worse.'

5. I think that the only remedy for the present unsatisfactory state of communication is to open the Russian route as soon as possible. The line has been completed and opened from the European side for some months, it is difficult to understand, therefore, what objections exist to sending messages by that line *from* India.

INDO-EUROPEAN TELEGRAPH DEPARTMENT.

Statement showing the working of the Mekran Coast and Sub-marine Telegraph (the portion under the British Government) corrected to the 30th of November 1865.

1865. Months.	Messages of a Commercial or Private Nature.	Government Despatches.	Total Messages.	Revenue of Mekran Coast and Sub-marine Telegraph.			Average time occupied in transmission between Great Britain and Kurrachee.			Average time between Kurrachee and Fão and *vice versâ*.			Remarks.
				Rs.	A.	P.	Days.	Hours.	Ms.	Days.	Hours.	Ms.	
May - - -	2,132	18	2,150	64,237	8	0	4	18	...	...	1	19	
June - - -	2,394	9	2,403	72,303	0	0	5	1	40	...	1	40	
July - - -	1,819	6	1,825	56,529	4	0	10	20	30	6	8	35	During part of July cable was broken where no alternative line exists.
August - -	1,905	8	1,913	59,480	8	0	3	21	...	...	3	17	
September - -	2,544	7	2,551	80,310	10	6	4	18	52	...	1	26	
October - -	3,158	10	3,168	1,00,219	0	0	10	2	52	...	2	14	
November - -	2,428	24	2,452	81,521	0	0	9	20	...	...	...	...	Not yet ascertained.
Total -	16,380	82	16,462	5,14,600	14	6	...	...	...	...	...	...	

H. I. WALTON,

Director, Mekran Coast and Sub-marine Telegraph.

Kurrachee, 22nd December 1865.

No. 22.

INDO-EUROPEAN TELEGRAPH DEPT.

BOMBAY CASTLE,
18*th January* 1866.

Letter from the Director, Mekran Coast and Sub-marine Telegraph, No. 900, dated 22nd December 1865.

Submits a statement showing the working of the Mekran Coast and Sub-marine Telegraph to the 30th November last, and recommends the opening at once of the Russian route as a means of improving communication between Kurrachee and Great Britain.

RESOLUTION.—This is a very useful return. Mr. Walton should be requested to show in future returns the longest and shortest times occupied by a message in each month, showing the time for portions E. and W. of Fao separately.

He should be asked why no messages are sent by the Russian line?

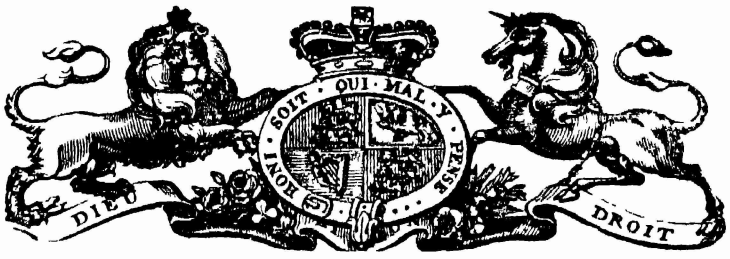
The Table may be placed in the Editors' room, and it may be suggested to the Government of India to publish both Table and letter in the Supplement to the *Gazette of India*.

Copies to be sent to the Secretary of State.

W. F. MARRIOTT, *Colonel,*
Secretary to Government.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 6.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 10, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 26th January 1866, and is hereby promulgated for general information :—

ACT No. III OF 1866.

An Act to confer certain increased powers on the Registrars of the Recorders' Courts in British Burmah, and for other purposes.

Preamble.

Whereas it is expedient to confer upon the several Registrars of the Recorders' Courts in British Burmah certain increased powers; It is enacted as follows :—

Power to Registrars appointed under Act XXI of 1863 to make certain orders interlocutory.

1. Every Registrar appointed under Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Moulmein in British Burmah, and to establish Courts of Small Causes in the said Towns*) may, in the absence of the Recorder of the Court to which such Registrar is appointed, make all such orders for arrest before judgment, for attachment of property before judgment, for the protection, management, and custody of property in dispute in any suit, for injunctions restraining breaches of contract or wrongful acts, sa such Recorder if present might make.

Such orders may be altered or reversed on application.

2. Every order made by any Registrar in the exercise of the powers conferred upon him by this Act may be altered or reversed upon the application of any person, whether a party to the suit or not, who may deem himself to be aggrieved by such order.

Application may be made to and disposed of by Registrar.

3. Every such application may be made to and disposed of by the Registrar of the Court in which such order shall have been made in the absence of the Recorder of such Court.

Registrar to take down evidence

4. The Registrar to whom any such application shall be made, shall take down the evidence given upon the hearing of such application.

Appeal against orders made by Registrar.

5. Every order made by a Registrar in pursuance of this Act shall be subject to an appeal, under the general rules applicable to appeals from orders, to the Recorder of the Court by the Registrar of which such order shall have been made.

Power to appeal to Recorder in his absence.

6. In case of the absence of the Recorder before whom the appeal is brought, the person appealing may make such application by way of petition, and may require the the Registrar from whose order such appeal shall be brought, to transmit to such Recorder copies of such petition and of all the evidence received by the Registrar upon the hearing of the application from the order upon which such appeal shall have been brought.

Power to Recorder to alter or reverse the order appealed against.

7. Such Recorder may affirm, alter, or reverse the order from which such appeal shall be brought, or postpone the further consideration of such appeal until the next sittings of the Court in which such order shall have been made.

Time within which appeals to be brought.

8. No appeal from any order made by any Registrar under the powers conferred by this Act, nor any application to alter or reverse such order, shall be brought after the conclusion of the sittings of the Court in which such order shall have been made, which shall commence next after the making of such order.

9. Every Registrar appointed under the said Act shall have power to receive affidavits and to administer oaths and affirmations in all suits which may or shall be depending in any Court established under the said Act.

Registrar to receive affidavits and administer oaths.

10. In case the Recorder of any Court established under the said Act shall be a party, or a necessary witness to or in any suit or proceeding instituted in such Court, such suit or proceeding and all applications therein shall be heard and determined by the Commissioner of the Division in which such Court shall be situated, and such Commissioner shall in every such suit or proceeding have and exercise all the powers by the said Act or by this Act vested in such Recorder.

Trial of case in which Recorder is a party or witness.

11. Upon the happening of a vacancy in the Office of Recorder and during any absence of a Recorder from British Burmah, the Governor-General of India in Council shall appoint any person with such qualifications as are required by the said Act in persons to be appointed Recorders, to perform the duties of Recorder. The person so appointed shall be authorized to sit and perform the duties of Recorder until some person shall have been appointed by the Governor-General in Council to the Office of Recorder and shall have entered on the discharge of the duties of such Office, or until the Recorder shall have returned from such absence.

Provision for vacancy of the Office of Recorder.

12. So far as regards Small Causes, all or any of the powers and duties conferred and imposed on any Registrar by this Act or under or by virtue of Sections thirty-five and thirty-six of Act No. XXI of 1863, may be exercised and performed by the Recorder of the Court to which such Registrar is attached.

Registrar's powers as a Small Cause Court Judge exerciseable by Recorder.

13. Whenever any person holding the Office of Registrar under Act No. XXI of 1863, shall obtain leave of absence or be disabled through illness from performing his duties, it shall be lawful for the Recorder of the Court to which such Registrar is attached, or, in his absence, for the Commissioner of the Division in which such Court is situate, to appoint some person to officiate as Registrar; and such person while so officiating shall have the same powers and perform the same duties as the Registrar of such Court under this Act and any other law for the time being in force. Any person appointed under this Section may hold at the same time any other office under Government.

Power to appoint an Officiating Registrar.

14. The Recorder of any Court established under the said Act shall have power to make and issue general rules for regulating the practice and procedure of his Court, and to prescribe forms for every proceeding therein for which he shall think that a form should be provided, and from time to time to alter any such rule or form; and the rules so made, and the forms so framed, shall be published in the Official Gazette, and after being so published shall be observed and used in the said Court: Provided that such rules and forms shall not be inconsistent with the Code of Civil Procedure or any other law for the time being in force, and shall, before they are published, have received the sanction of the Chief Commissioner of British Burmah.

Power to make rules of practice.

15. This Act shall be read with, and taken as part of, the said Act No. XXI of 1863.

This Act to be read with Act XXI of 1863.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 26th January 1866, and was referred to a Select Committee, with instructions to make their report thereon in six weeks:—

THE INDIAN REGISTRATION ACT, 1866.

ARRANGEMENT OF SECTIONS.

PART I.

Preliminary.

SECTION.
1. Short Title.
2. Interpretation Clause.
3. Laws repealed.
4. Repeal of rules relating to the Registration of Assurances in certain Territories.
5. Power to invest Head Executive Officer of Territories under immediate administration of Government of India with authority vested by this Act in Local Governments.

PART II.

Of the Registration Establishment.

6. General Registry Office.
Branch General Registry Office.
7. Formation and alteration of Districts and Sub-Districts.
8. Establishment of Registry and Sub-Registry Offices.
9. Appointment of Registrars and Sub-Registrars.
10. Registrar of a Presidency Town may act as Sub-Registrar.
11. Appointment of Deputy Registrar General to perform duties of Registrar General, under Sections 32 and 73 of this Act during his absence on duty.
12. Provision for cases of absence of Registrars or vacancy in the office.
13. Provision for cases of absence of Sub-Registrars or vacancy in the office.
14. Remuneration and Establishments of Registry Officers.
15. Seals of Registering Officers.
16. Registry Books.
Forms.
Fire-proof boxes.

PART III.

Of registrable Documents.

17. Instruments of which the registration is compulsory.
Proviso as to leases in Madras.
And as to shares and debentures.
18. Documents of which the registration is optional.
19. Documents containing interlineations, erasures or alterations.
20. Description of parcels in Instruments relating to immoveables.
21. Documents in language not understood by Registering Officer.

PART IV.

Of the Time of Registration.

22. Time for registering instruments of which the registration is compulsory.

SECTION.

23. Time for registering documents of which the registration is optional.
24. Provision where delay in registering is unavoidable.
25. Provision for last day of period for registration falling on a holiday.
26. Wills or authorities to adopt may be registered at any time.
27. Alteration of Act No. XIV of 1859, Section 1, Clause 10.
28. Saving of time prescribed by Statute for registration of Instruments.

PART V.

Of the Place of Registration.

29. Place for registering instruments relating to immoveables.
30. Place for registering other instruments.
31. Place for registering instruments affecting immoveable property situate in one or more than one District.
32. Registration by Registrar General of instruments referred to in Section 29.
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Power to extend Act to other Territories.
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No. 3 OF 1866.

A Bill to amend Act No. XVI of 1864 (to provide for the Registration of Assurances).

Preamble.

Whereas it is expedient to consolidate and amend the laws relating to the Registration of Assurances; It is enacted as follows:—

PART I.

Preliminary.

Short Title.

1. This Act shall be called "The Indian Registration Act, 1866."

Interpretation clause.

2. In this Act—unless there be something repugnant in the subject or context—

"British India."

"British India" denotes the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore and Malacca:

"Year" and Month."

"Year" and "Month" denote a year or month respectively by the British Calendar.

"Section."

"Section" denotes a Section of this Act:

"Lease."

"Lease" includes a counterpart, a kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease.

"Will."

"Will" includes a codicil and every writing making a voluntary posthumous disposition of property.

"Instrument."

"Instrument" does not include a Will nor an authority to adopt.

"Immoveable Property."

"Immoveable Property" includes land, rights to ways, lights, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth; but not standing timber, growing crops nor grass.

"Moveable Property."

"Moveable Property" includes standing timber, growing crops, grass, fruit upon trees, and property of every other description, except immoveable property.

"Book."

"Book" includes a portion of a Book and also any number of sheets connected together with a view of forming a Book or portion of a Book.

"Endorsement." "Endorsed."

"Endorsement" and "Endorsed" include and apply to an entry in writing by a Registering Officer on a rider or covering-slip to any document tendered for registration under this Act.

"Representative."

"Representative" includes the Committee of a lunatic and the manager of his estate.

"Oath."

"Oath" includes a solemn affirmation.

"Person."

"Person" includes any Company or association or body of persons whether incorporated or not.

Number. Gender.

Words in the singular number include the plural; words in the plural number include the singular, and words importing the masculine gender include females;

"Local Government."

And in any part of British India in which this Act operates, "Local Government" denotes the person or persons authorized by law to administer the Executive Government in such part: "High Court" denotes the highest Civil Court of appeal therein: "District Court" means the principal Civil Court of original jurisdiction in a District, and includes the High Court in its ordinary original Civil jurisdiction; and "Civil Court" includes a Revenue Court, but not a Court for the relief of insolvent debtors.

"High Court."

"District Court."

"Civil Court."

"District" "Sub-district."

"District" "and Sub-District" respectively mean a District and Sub-District formed under this Act.

Laws repealed.

3. Acts No. XVI of 1864 and No. IX of 1865 are hereby repealed, except in so far as the former Act rescinds other Acts or Regulations, and except as regards things duly done and penalties incurred under the Acts hereby repealed or either of them. And all things duly done under the same Acts or either of them shall be considered as having been done under this Act.

Repeal of rules relating to the Registration of Assurances in certain Territories.

4. From the date on which this Act shall be extended as hereinafter provided to any part of British India in which the Acts herein before mentioned are not in force, all Rules and Regulations relating to the Registration of Assurances in force in such part of British India shall cease to have effect, except as regards documents duly registered under any of such Rules or Regulations.

Power to invest Head Executive Officer of Territories under immediate administration of Government of India with authority vested by this Act in local Governments.

5. It shall be lawful for the Governor-General of India in Council, by an order to be published in the *Gazette of India*, to declare that in any Territory under the immediate administration of the Government of India, the Head Executive Officer of such Territory shall exercise all or any of the powers vested by this Act in the local Governments; and thereupon such Officer shall, for the purposes of this Act, be the local Government of such Territory.

PART II.

Of the Registration Establishment.

General Registry Office.

6. The local Government shall establish within the Territories subject to such Government, at such place as it shall think fit, an Office to be called the General Registry Office, and shall appoint an Officer to the charge of such Office, who shall be the Registrar General of the Territories for which he is appointed. The local Government may also, with the previous sanction of the Governor-General of India in Council, establish a Branch General Registry Office and appoint a Branch Registrar General; and every act done by or before any Branch Registrar General so appointed shall have the same effect as if done by or before a Registrar General. Provided that such Branch Registrar General shall not exercise the power to frame rules conferred on the Registrar General by Section 76 of this Act. Any Registrar General or Branch Registrar General may hold simultaneously any other office under Government.

Branch General Registry Office.

Formation and alteration of Districts and Sub-Districts.

7. For the purposes of this Act the local Government shall form Districts and Sub-Districts, and shall prescribe and from time to time may alter the limits of such Districts and Sub-Districts. A Sub-District may be conterminous with a District, or may be situate partly in one District and partly in another.

Each of the Presidency Towns of Calcutta, Madras and Bombay shall for the purposes of this Act be formed into a District.

The Districts and Sub-Districts formed under this Section, together with the limits thereof, and every alteration of such limits shall be notified by the local Government in the Official Gazette immediately after every such formation or alteration. Every such alteration shall take effect immediately after such notification.

Establishment of Registry and Sub-Registry Offices.

8. The local Government shall establish in every District an Office to be styled the Registry Office, and in every Sub-District an Office to be styled the Sub-Registry Office.

Appointment of Registrars and Sub-Registrars.

9. The local Government may appoint such persons, whether Public Officers or not, as it may think proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-Districts formed as aforesaid respectively.

Registrar of a Presidency Town may act as Sub-Registrar.

10. In each of the Presidency Towns the Registrar may perform all the duties of a Sub-Registrar under this Act.

Appointment of Deputy Registrar General to perform duties of Registrar General under Sections 32, 73 and 74 of this Act during his absence on duty.

11. During the absence on duty of the Registrar General from the place where the General Registry Office is established, it shall be lawful for him to appoint the Registrar of such place, or, with the previous sanction of the local Government, such other person as he shall think fit, to perform the duties of the Registrar General under Sections 32, 73 and 74 of this Act. A Registrar so appointed shall perform such duties in addition to his own duties as Registrar. During such absence the Registrar or other person so appointed as aforesaid shall be styled the Deputy Registrar General, and may use the Seal of the Registrar General.

Provision for cases of absence of Registrars, or vacancy in the Office.

12. In case of the absence of any Registrar other than the Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, any person whom the Registrar General shall appoint in this behalf, or, in default of such appointment, the Judge of the District Court shall, during such absence or vacancy, be the Registrar. In case of the absence of the Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, it shall be lawful for the Registrar General to appoint any person whom he may think proper to conduct the duties of the Office of such Registrar.

Provision for cases of absence of Sub-Registrars, or vacancy in the Office.

13. In case of the absence of any Sub-Registrar, or of a vacancy occurring in the Office of any Sub-Registrar, any person whom the Registrar of the District shall appoint in this behalf shall, during such absence or vacancy, be Sub-Registrar.

Remuneration and establishments of Registry Officers.

14. It shall be lawful for the local Government, with the previous sanction of the Governor-General of India in Council, to assign such salaries as such Government may from time to time deem proper, to the Registrar General, Branch Registrar General, the Registrars, and the Sub-Registrars appointed under

this Act, or to provide for the remuneration of such Officers by fees, or partly by fees and partly by salaries. It shall also be lawful for the local Government, with the like sanction, to allow such establishments for the several Registry Offices as may be necessary for the purposes of this Act.

Seals of Registering Officers.

15 The Registrar General, Branch Registrar General, and the several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the local Government shall direct: "The seal of the Registrar General (or of the Branch Registrar General, or of the Registrar, or of the Sub-Registrar) of ."

Registry-Books.

Forms.

Fire-proof boxes.

16. The local Government shall provide for the Office of every Registering Officer such books as may be necessary for the purposes of this Act. The books so provided shall contain such forms as shall from time to time be prescribed by the Registrar General, with the sanction of the local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the Officer by whom such books shall be issued. The local Government shall further supply the Office of every Registrar with a fire-proof box.

PART III.

Of registrable Documents.

Instruments of which the registration is compulsory.

17. The Instruments next hereinafter mentioned shall be registered, provided the property to which they relate shall be situate in a District in which, and provided they shall have been executed on or after the date on which the said Act No. XVI of 1864 or this Act shall have come or shall come into operation (that is to say) :—

1. Instruments of gift of immoveable property:

2. Leases of immoveable property for any term exceeding one year:

3. Instruments (other than an instrument of gift or lease as aforesaid) which purport or operate to create, declare, assign, transfer, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent, of a value exceeding one hundred rupees in any immoveable property; and

4. Instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, transfer, limitation or extinction of any such right, title or interest—

Proviso as to leases in Madras,

Provided that this Section shall not apply to any lease executed between landlord and tenant relative to land in the Presidency of Madras liable to the payment of revenue to Government, but any such lease may be registered under Section 18, subject to the provisions of Sections 23 and 87: Provided also that this Section shall not apply to any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company shall consist in whole or in part of immoveable property, nor to any endorsement upon or transfer of any debenture issued by any such Company.

And as to shares and debentures.

Documents of which the registration is optional.

18. Any of the documents next hereinafter mentioned may be registered under this Act, (that is to say) :—

1. Any instrument which purports or operates to create, declare, assign, transfer, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of value equal to or less than one hundred rupees in immoveable property;

2. Any instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer or extinction of any such right, title or interest;

3. Any lease of immoveable property for a term not exceeding a year;

4. Any award relating to immoveable property;

5. Any instrument which purports or operates to create, declare, transfer or extinguish any right, title or interest in moveable property;

6. Any Will or Authority to adopt a son;

7. Any Acknowledgment, Agreement, Articles of Partnership, Appointment, Assent, Award, Assignment, Bill of Exchange, Bill of Sale, Bond, Conditions of Sale, Confirmation, Contract, Copies of Decrees, Covenant, Disclaimer, Extension of Term of Partnership, Grant, Instrument of Composition, Instrument of Dissolution of Partnership, Instrument of Partition, Lease, Map, Marriage Certificate, Plan, Power of Attorney, Promissory Note, Release, Settlement, Survey, Surrender, Writing of Divorcement, and any other document not hereinbefore mentioned.

Documents containing interlineations, erasures or alterations.

19. No document shall be accepted for registration if any interlineation, erasure or alteration shall appear thereon, unless the persons executing the same shall attest with their signatures, initials or marks such interlineation, erasure, or alteration, and it shall be the duty of the Officer registering such instrument, at the time of registering it, to make a note in the Register of such interlineation, erasure or alteration.

Description of parcels in instruments relating to immoveables.

20. No instrument relating to immoveable property shall be accepted for registration unless it shall contain a description of such property sufficient, in the opinion of the Registering Officer, to identify the same. Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being

in the District and Sub-District in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

Documents in language not understood by Registering Officer.

21. If any document presented for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a copy and a translation into a language commonly used in the District; and such translation shall be registered and such copy shall be filed in his Office; and for the purpose of making the other copies and the abstracts required by this Act, the translation shall be treated as if it were the original.

PART IV.

Of the Time of Registration.

Time for registering instruments of which the registration is compulsory.

22. Subject to the provision contained in Section 24 of this Act, no instrument of the descriptions mentioned in Section 17, Clauses 1, 2, 3 and 4, shall be accepted for registration unless presented for that purpose to the proper Officer within four months from the date of its execution: provided that where there are several persons executing it at different times, the instrument may be presented for registration and re-registration within four months from the date of each execution.

Time for registering documents of which the registration is optional.

23. Subject to the provision contained in Section 24 of this Act, no document of any of the descriptions mentioned in Section 18 (other than a Will or Authority to adopt a son), shall be accepted for registration unless presented for that purpose to the proper Officer within two months from the date of its execution: provided that where there are several persons executing it at different times, the document may be presented for registration and re-registration within two months from the date of each execution.

Provision where delay in registering is unavoidable.

24. If any such document shall, owing to urgent necessity or unavoidable accident, not have been presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, it shall be lawful for the Registrar of the District, in cases where the delay in presentation shall not exceed six months, to direct that on payment as a penalty of four times the amount of the proper registration fee, such instrument shall be accepted for registration.

Provision for last day of period for registration falling on a holiday.

25. Whenever the last day of any period hereinbefore provided for the registration of any document shall fall on a Sunday or other holiday authorized as hereinafter mentioned, such last day shall, for the purposes of this Act, be deemed to be the day immediately following such Sunday or other holiday.

Wills or Authorities to adopt may be registered at any time.

26. Any Will or Authority to adopt a son may at any time be registered in manner hereinafter provided.

Alteration of Act No. XIV of 1859, Section 1, Clause 10.

27. In Act No. XIV of 1859, Section 1, Clause 10, the last Clause shall be read as if for the words 'within six months from the date thereof' the words 'within the time prescribed in that behalf by "The Indian Registration Act, 1866", were substituted.

Saving of time prescribed by Statute for registration of instruments.

28. Nothing in this Act shall be taken to alter the time within which any certificate or other document must be registered under the provisions of "The Bankrupt Law Consolidation Act, 1849," Section 143, or any other Statute.

PART V.

Of the Place of Registration.

Place for registering instruments relating to immoveables.

29. Save as in this Act otherwise provided, every instrument mentioned in Section 17, Clauses 1, 2, 3 and 4, and Section 18, Clauses 1, 2, 3, and 4, shall be presented for registration in the Office of the Sub-Registrar within whose Sub-District the property to which such instrument relates is situate.

Place for registering other instruments.

30. Every instrument other than an instrument referred to in the last preceding Section, may be presented for registration in the Office of the Sub-Registrar within whose jurisdiction such instrument is executed, or at any Registrar's Office under the same local Government, at which the persons presenting such instrument shall desire it to be registered.

Place for registering instruments affecting immoveable property situate in one or more than one District.

31. Every instrument affecting immoveable property situate in one or in more than one District, may be presented for registration to any Sub-Registrar within whose Sub-District any part of such property is situate.

Registration by Registrar General of instruments referred to in Section 29.

32. The Registrar General may in his discretion receive and register any instrument referred to in Section 29, without regard to the situation in any part of British India of the property to which the instrument relates.

Discretionary registration by Registrar.

33. Any Registrar may in his discretion receive and register any instrument referred to in Section 29 which might be registered by any Sub-Registrar in his District. He shall also register Wills and Authorities to adopt.

34. In ordinary cases the registration or deposit of documents under this Act shall be made only at the public Office of the Officer whose duty it shall be to register the same: but any such Officer may on special cause being shown attend at the place of residence of any person intending to register any document, or of any person desiring to deposit a Will or Authority to adopt a son, and register or accept for registration or deposit such document, Will or Authority. Every Sub-Registrar so attending shall within twenty-four hours report to the Registrar to whom he is subordinate the fact of the attendance and his reason therefor.

Registration or acceptance for deposit at private residence.

Exception.

PART VI.

Of the Presentation of Instruments for Registry.

35. Every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the Office in which such document is to be registered, by some person executing or claiming under the same, or by the representives or assigns of such person, or by the agents of such person, representatives or assigns, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

Presentation of instruments for registration.

36. For the purposes of the last preceding Section, the powers of attorney next hereinafter mentioned shall alone be recognized, (that is to say)—

Powers of attorney recognizable for purposes of Section 35.

(*a*) If the principal at the time of executing the power of attorney reside in any part of British India in which this Act operates, a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District the principal resides:

(*b*.) If the principal at the time aforesaid reside in any other part of British India, a power of attorney executed before and authenticated by the Judge of the principal Court of original Civil jurisdiction within the local limits of whose jurisdiction the principal resides:

(*c*.) If the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public or any Court, Judge, Consul or Magistrate:

Any power of attorney mentioned in this Section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

Provided that persons exempt by law from personal appearance in Court, shall not be required to attend at the Office of the Registrar or Sub-Registrar, or in the Court of the Judge for the purpose of executing any such power of attorney as mentioned in Clauses (*a*) and (*b*) of this Section; but in every such case the Registrar or Sub-Registrar or Judge (as the case may be), if satisfied that the power of attorney has been been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the Office or Court aforesaid. To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge may either himself go to the house of the person purporting to be the principal and examine him, or issue a Commission for the examination of such person.

Proviso as to persons exempt from appearing in Court.

37 On the persons executing any document, or their representatives, assigns or agents, authorized as aforesaid, appearing before the Registering Officer for the purpose of obtaining the registration of such document, he shall enquire whether such document was executed or not by the persons by whom it purports to have been executed, and satisfy himself of the right of any person to appear as the representative, assign or agent of any person whom he shall claim to represent. If all the persons executing the document appear personally before the Registering Officer and are personally known to him, or, in case they are not personally known to him, if they satisfy him that they are the persons they represent themselves to be, and if they all admit the execution of the document, and, in the case of any person appearing by authorized agent, if such agent shall admit the execution of the document, the Registering Officer shall register the same. The Registering Officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one then present in his Office. Such examination may, if he shall think fit, be upon oath.

Enquiry before registration by the Registering Officer.

PART VII.

Of the Enforcement of Attendance of Executants and Witnesses.

38. If any person presenting any instrument for registration shall desire the attendance of any person required to attend on the presentation of the instrument or any person whose testimony is necessary for the registration of such instrument by a Registering Officer, such Officer may in his discretion, and if the person whose attendance is so desired shall be within his District or Sub-District, issue a summons requiring him to attend at the Office of such Officer at a time named in such summons. Provided that persons exempt by law from personal appearance in Court shall not be required to attend at the Office, but in every such case, the registering Officer shall either himself go to the house of such person and examine him, or order a Commission to issue for his examination.

Where attendance of necessary presenter or witness is desired.

39. If the person whose attendance is so required is not within the District or Sub-District of the Registering Officer, such Officer may forward a summons to the Registering Officer in whose jurisdiction such person resides, and the Officer last hereinbefore mentioned shall cause such summons to be served upon the person whose attendance is required as aforesaid.

Where such person is not within the District or Sub-District.

40. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

Law as to summonses, commissions and witnesses in civil suits to apply to summonses, commissions and witnesses under this Act.

PART VIII.

Of the Registration of Memoranda of Decrees and Orders affecting Immoveable Property and sent by the Court to a Registry Office.

41. When any Civil Court shall by a decree or order declare any instrument relating to immoveable property, which shall have been registered under this Act, to be invalid, or when any Civil Court shall pass a decree or order affecting any such instrument, and such last mentioned decree or order shall create, declare, assign, transfer, limit or extinguish any right, title or interest under such instrument in the immoveable property to which it relates, such Court shall cause a memorandum of the decree or order to be sent to every Registrar within whose District such immoveable property or any part thereof is situate.

Memorandum of decree affecting registered instrument relating to immoveable property to be sent to the Office in which such instrument shall have been registered.

42. When any Civil Court shall, by a decree or order, create, declare, transfer, limit or extinguish any right, title or interest of any person in any immoveable property situate in any part of British India in which this Act shall operate, such Court shall cause a memorandum of the said decree or order to be sent to every Registrar within whose District such immoveable property or any part thereof is situate.

Memorandum of decree affecting immoveable property to be sent to Registrar.

43. The costs of and attending the registration under Sections 41 and 42, of any memorandum of a decree or order shall be costs in the cause, and shall be paid by the Court to such person and in such way as the local Government shall direct in that behalf.

Costs of registration of memorandum of decrees and orders.

PART IX.

Of the Registration of Wills and Authorities to adopt.

44. The testator, or any person claiming as executor or otherwise under a Will, may register any Will, and the donor or donee of any authority to adopt, or the adoptive son, may register any such authority. Any person entitled to register any such Will or authority may either personally or by a duly authorized agent present to a Registrar such Will or authority open, and any testator or donor of such authority may deliver to a Registrar the Will or authority in a sealed cover superscribed with the name of the depositor and the nature of the document.

Persons entitled to register Wills and Authorities to adopt.

Presentation or delivery of Wills and Authorities to adopt.

45. If the depositor of any such sealed cover shall wish to withdraw the same, it shall be lawful for him to apply to the Registrar in whose Office such document shall have been deposited, that the same be delivered up to him; and the Registrar, if satisfied as to the identity of the depositor with the applicant, shall deliver up the cover accordingly.

Withdrawal of sealed cover deposited under Section 44.

46. If on the death of the depositor of a sealed cover under Section 44, application be made to the Registrar in whose Office such cover was deposited to open the same, the Registrar, after satisfying himself that the depositor is dead, shall, in the presence of the person making such application, open the cover, and shall copy, at the expense of the applicant, the contents thereof, of in a Register of Wills and authorities to adopt. When such copy shall have been entered, the Registrar shall re-deposit the original Will or authority until required to produce the same in Court.

Proceedings on death of depositor.

Re-deposit.

PART X.

Of the Fees for Registration, Searches and Copies.

47. Subject to the approval of the Governor-General of India in Council, the local Government shall prepare a Table of Fees payable —

Fees for registration, searches and copies to be fixed by local Government.

For the registration of documents:

For searching the Registers:

For making or granting copies of entries, abstracts or documents, either on or after registration;

And of extra or additional fees payable—

For every registration by a Registrar General under Section 32; or by a Registrar under Section 30 or 33;

For special registration under Section 53;

For the issue of Commissions;

For filing translations;

For attending at private residences;

And for such other matters as shall to the local Government appear necessary to effect the purposes of this Act.

The local Government may from time to time, subject to the like approval, alter such Table. A Table of the Fees so payable shall be published in the Official Gazette, and shall be exposed to public view in every Office established for the registration of documents, and no document shall be accepted for registration, and no copy shall be granted, and no search shall be made or allowed until the fee prescribed in that behalf shall have been paid.

Table of fees.

Fees and penalties to be credited to Government.

48. All fees received under the provisions of this Act (not being fees payable under Section 14 of this Act to Officers who are paid wholly or in part by fees), and all penalties received under Section 24 of this Act shall be remitted to such Treasury as the local Government shall from time to time direct, and be credited to Government.

PART XI.

Of the Effects of Registration and Non-registration.

Time from which registered document operates.

49. A registered document shall operate from the time from which it would have commenced to operate if no registration had been required or made, and not from the time of its registration.

Effect of non-registration of documents required to be registered.

50. No instrument required by Section 17 to be registered shall be received in evidence in any Civil proceeding in any Court, or shall be acted on by any Public Officer as defined in the Indian Penal Code, unless it shall have been registered in accordance with the provisions of this Act.

Priority of certain registered instruments.

51. Every instrument of the descriptions mentioned in Clauses 1, 2 and 3 of Section 18 shall, if duly registered, have priority to any other instrument relating to the same property, whether such other instrument be of the same nature as the registered instrument or not.

Registration doubles period of limitation in suits under a written contract for money lent or interest or breach of contract.

52. Suits to recover money lent, or interest, or for the breach of any contract may be brought within six years from the time when the cause of suit arose, in every case in which there is an engagement or contract in writing, provided that such engagement or contract be duly registered under this Act.

Special Registration of Obligations for Payment of Money.

Enforcement of obligation registered with agreement recorded, that amount secured may be recovered summarily.

53. Whenever the obligor and obligee of an obligation for the payment of money shall at the time of registering the same under the provisions of this Act apply to the Registering Officer to record their agreement, that in the event of the obligation not being duly satisfied, the amount may be recovered as hereinafter provided, the Registering Officer, after making such enquiries as he may think proper, shall record such agreement at the foot of the endorsement and certificate required by Sections 60 and 62, and such record shall be signed by him and by the obligor and obligee of the obligation and shall be copied into the Register Book No. 3. Every such obligation may be enforced summarily by any Court which would have had jurisdiction to try a regular suit thereon for the recovery of the amount: Provided that the application for the enforcement of the same be made within one year from the date on which the amount becomes payable, or where the amount is payable by instalments, within one year from the date on which the last instalment becomes payable. The obligation shall be enforced as a decree in a suit under the rules applicable to the execution of decrees in the Court in which the application for enforcement is made, but subject to any provisions contained in any law for the time being in force, in relation to the summary enforcement of obligations registered with such agreement as aforesaid. The application for the enforcement of an obligation under this Section shall be written on a stamp paper of one-fourth the value prescribed by law for a plaint in a suit to recover the same amount: Provided that nothing herein contained shall be construed as giving any right to a summary decree for foreclosure or sale in case of immoveables.

PART XII.

Of the Duties and Powers of Registering Officers.

(*A*) *As to the Registry Books.*

Registry Books to be kept in the several Offices.

54. The following Books shall be kept in the several Offices hereinafter named (that is to say):—

In all Registry Offices :—

Book 1.—"Register of instruments affecting immoveable property,"

Book 2.—"Register of Decrees and Orders of Court affecting immoveable property,"

Book 3.—"Register of deposits of Wills and Authorities to adopt," and

Book 4.—"Register of Wills and Authorities to adopt:"

In the Offices of all Registrars and Sub-Registrars :—

Book 5.—"Register of instruments specially registered under Section 53,"

Book 6.—"Miscellaneous Register,"

Book 7.—"Record of Powers of Attorney," and

Book 8.—"Record of reasons for refusal to register:"

In the Offices of the Registrar General and all Registrars :—

Book 9 —"Register of Abstracts."

In Book 1 shall be entered all documents registered under Section 17 and the first four Clauses of Section 18. In Book 2 shall be entered all Memoranda of Decrees and Orders of Court registered under Section 42 of this Act. In Book 5 shall be entered all instruments specially registered under Section 53, whether such instruments have also been entered in Book 1 or not. In Book 6 shall be entered all documents registered under Clauses 5 and 7 of Section 18, and not entered in Book 5. In Book 7 shall be entered an abstract of every power of attorney attested before the Registering Officer as provided in Section 36. In Book 9 shall be entered abstracts mentioned in Sections 66, 73, 74.

55. All entries shall be numbered in a consecutive series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered consecutively.

56. Two indexes shall be prepared in each Office for each year, one containing the names and descriptions of all persons executing and also the names (if any) and descriptions of all persons claiming under every document registered in the Office during that year, and the other, in the case of immoveable property, containing the name of the village or place where the property is situate, together with a description of the property and its name, (if any) and such other particulars and in such form as the Registrar General shall from time to time prescribe under Section 76.

Indexes to be kept.

57. Every document shall be dated on presentation and on being admitted to registration shall be copied in the book appropriated therefor under the provisions herein contained, according to the order of its admission.

Registered documents to be copied according to order of admission.

58. Subject to the previous payment of such fees as may be payable in that behalf, the Registry Books Nos. 1, 2 and 4 shall be at all times open to inspection by any person applying to inspect the same, and copies of any entry in such Registry Books shall be given, certified by the Registering Officer, to all persons applying for such copies. Copies of entries in Registry Books Nos. 3, 5 and 6, certified as aforesaid, shall be given to any person executing or claiming under the documents to which the entries respectively refer; but the requisite search for such entries shall be made only by the Registering Officer. All such copies when certified as aforesaid shall be *primâ facie* evidence of the contents of the entries of which they have respectively been made.

Registering Officers to allow inspection of certain Registry Books and to give certified copies of entries.

(B.)—As to the Procedure on admitting to Registration.

59. The Registering Officer shall enter in the Registry Book the name and address in full of every person whom he may examine pursuant to this Act, and may also, when the statements made before him are conflicting, record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he shall admit the correctness of such note, it shall be signed by the Registering Officer.

Entries to be made as to persons examined.

Record of conflicting statements.

60. On every document admitted to registration, there shall be endorsed the following particulars, (that is to say)—

Particulars to be endorsed on documents admitted to registration.

1. The day, hour and place of presentation:

2. The names in full of the persons executing the document: and if it shall have been presented by the representatives, assigns or agents of any persons, the names of such representatives, assigns or agents:

3. The name and address in full of every, person who may have been examined in reference to such document under any of the provisions of this Act; and

4. Any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt of consideration made in his presence in reference to such execution.

61 The endorsement mentioned in the last preceding Section shall be signed by every person executing the document, or by his representative or assign, or by his agent, and shall be authenticated by the seal and signature of the Registering Officer.

Such endorsement to be signed and authenticated.

62. After the provisions of Sections 57, 60 and 61 shall have been complied with, the document shall be returned to the person who shall have presented the same for registration, or to such other person (if any) as he shall, in presence of the Registering Officer, have nominated in writing in that behalf, with a certificate containing the number and page of the book in which the document shall have been registered. Such certificate shall be *primâ facie* evidence that the document has been duly registered in manner provided by this Act and that the facts mentioned in the certificate have occurred as therein mentioned. Provided that registrations *bonâ fide* made by any Registering Officer shall not be deemed invalid merely by reason of defect or irregularity in the appointment of or in the procedure followed by such Officer

And returned with a certificate showing number and page of book in which document has been registered.

63. It shall be lawful for every Registering Officer at his discretion to administer an oath to any person examined by him under the provisions of this Act; and it shall not be necessary for such Officer to take down, read over or sign the evidence of any such person otherwise than is expressly provided by this Act.

Power to administer oaths.

Provision as to evidence.

(C) Special Duties of Sub-Registrar.

64. An abstract of every original instrument affecting immoveable property registered in the Office of any Sub-Registrar, shall, with a copy of the certificate under Section 62, be forwarded in duplicate within seven days from the date of registration to the Registrar to whom he is subordinate.

Sub-Registrar to forward in duplicate abstracts of instruments affecting immoveable property and registered in his Office.

65. Every Sub-Registrar on registering a document relating to immoveable property which, though situate in one District, is not wholly situate in his own Sub-District, shall forward a copy thereof, and of the endorsement and certificate thereon to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate; and every such Sub-Registrar shall register an abstract of the same in his Book No. 1, and file the copy in his Office.

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in one District, but in more than one Sub-District.

66. Every Sub-Registrar on registering any instrument which refers to immoveable property situate in more Districts than one, shall forward a copy thereof and of the endorsement and certificate thereon to the Registrar of every District in which any part of such property is situate other than the District in which his own Sub-District is situate. The Registrar on receiving the copy shall register an abstract thereof in his Book No. 9, and forward copies to the Sub-Registrars subordinate to him within whose Sub-District any part of such property is situate; and every Sub-Registrar receiving such copy shall register an abstract of the same in his Book No. 1, and file the copy in his Office.

Procedure on Sub-Registrars' registration of instrument referring to immoveable property situate in several Districts.

(D.) Special Duties of Registrar.

67. An abstract of every original instrument affecting immoveable property registered in the Office of any Registrar, shall, with a copy of the certificate under Section 62, be forwarded by the Registrar within seven days to the General Registry Office.

Registrar to forward to General Registry Office abstracts of instruments affecting immoveable property and registered in his Office.

68. On the receipt in a Registrar's Office of the duplicate abstracts made by any Sub-Registrar, one such duplicate shall be filed in such Office, and the other shall be forwarded to the General Registry Office.

Filing in Registrar's Office of abstracts made by Sub-Registrar.

69. On registering any instrument under Section 33 of this Act, the Registrar shall forward a copy of such instrument to each Sub-Registrar subordinate to himself and to any other Registrar in whose Sub-District or District, as the case may be, any part of such property is situate; and such Sub-Registrar or Registrar, on receiving the copy, shall follow the procedure prescribed for him respectively in Section 66.

Procedure on registering instruments under Section 33.

70. Every memorandum received under Section 41 shall be copied in the margin of the part of the book in which the document affected by such memorandum is registered: and the Registrar shall send a copy of such memorandum to the Registrar General and to every Sub-Registrar in his District in whose Office the said document or any abstract thereof is registered, who shall make a similar entry in the margin of the abstract or copy registered in his Office. Every memorandum received by a Registrar under Section 42 of this Act shall be copied by him in his Registry Book No. 2, and he shall send the memorandum to the Registrar General and a copy thereof to every Sub-Registrar subordinate to himself in whose Sub-District any part of such property may be situate, and the Registrar General and every such Sub-Registrar respectively shall copy it in his Registry Book No. 2.

Procedure on receipt of memorandum under Section 41.

Procedure on receipt of memorandum under Section 42.

71. On accepting for deposit a sealed cover under Section 44, the Registrar shall transcribe in his Registry Book No. 3 the superscription on such sealed cover and note in the Register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover. The Registrar shall then place and retain the sealed cover in his fire-proof box.

Procedure on deposit of Wills or Authorities to adopt.

(E.) Of the Registrar General.

72. In registering any instrument under Section 32 of this Act, the Registrar General shall follow the mode of registration herein prescribed for the registration of documents presented in the first instance to a Registrar or a Sub-Registrar.

Mode of registration by Registrar General.

73. The Registrar General, on any such instrument being registered in his Office under Section 32 of this Act, shall forward to every Registrar within whose District any part of the property to which the instrument relates is situated, a copy of such instrument and of the endorsement and certificate thereon, and the Registrar receiving such copy shall register an abstract of the same and shall forward a copy of the instrument and of the endorsement and certificate aforesaid to each Sub-Registrar in his District within whose Sub-District any part of such property is situate; and every Sub-Registrar who shall receive such copy shall file the same in his Office and register an abstract thereof in his Book No. 1.

Procedure on registration by Registrar General.

74. On the receipt in the Registrar General's Office of the abstract of any entry made in any Register, the same shall be filed in such Office.

Filing in General Registry Office of abstracts of entries.

(F.) Of the Controlling Powers of Registrars and Registrars General.

75. Every Sub-Registrar shall perform the duties of his Office under the superintendence and control of the Registrar in whose District the Office of such Sub-Registrar shall be situate; and every Re-

Registrar to superintend and control Sub-Registrars.

gistrar shall have authority to issue (whether on complaint or otherwise) any order he may consider necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the Book or the Office in which any document shall have been registered.

Powers of Registrar General.

Power to frame rules.

76. The Registrar General shall exercise a general superintendence over all the Registry Offices in the Territories administered by the local Government, and shall have power from time to time to frame rules not inconsistent with the terms of this Act, for the guidance of the Registrars and Sub-Registrars under him—

For regulating the proceedings of these Officers;

For providing for the safe custody of books, papers, and documents, and also for the destruction of such books, papers, and documents, as it may be deemed to be no longer necessary to keep;

For regulating the languages in which and the materials on, in, and with which documents presented for registration are to be written or printed, the size of such documents and the extent of blank space to be left thereon;

For declaring the holidays that shall be observed in the Registry Offices.

The rules so framed shall be submitted to the local Government for approval, and after they shall have been approved, they shall be published in the Official Gazette, and shall have the same force as if they were inserted in this Act.

No appeal from order admitting to registration.

77. No appeal shall lie from an order admitting a document to registration.

PART XIII.

Of Refusal to register.

Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.

78. Every Registrar or Sub-Registrar who shall refuse to register a document, and every Registrar who shall refuse to order a document to be registered, shall record his reasons for so refusing, and endorse the words "Registration refused" on the document; and on application made by any person executing or claiming under the document and on his furnishing a stamped paper of the value of eight annas, shall give him a copy of the reasons so recorded. No Registering Officer shall accept for registration a document so endorsed unless and until an appeal shall have been presented under the provisions herein contained and decided in favour of the appellant.

Registrar may alter or revise orders of Sub-Registrar refusing registration.

79. An appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate if presented to such Registrar within thirty days from the date of the order, and the Registrar may alter or revise such order: Provided that whenever the Registrar shall himself as Sub-Registrar have passed the order appealed against, the appeals hall lie to the Registrar General.

Procedure where Registrar refuses to register documents falling under Section 17 or Section 18, Clause 1, 2 or 3.

80. If a Registrar shall refuse to register any document falling within the provisions of Section 17, Clauses 1, 2, 3 and 4 or Section 18, Clauses 1, 2, 3 and 4, or if he shall on appeal refuse to direct the registration of such document, it shall be lawful for any person claiming thereunder to institute in the District Court, within thirty days after such refusal, a regular suit to which the said Registrar may be a party, in order to establish his right to have such document registered, and the document shall be admissible in evidence on the hearing of such suit. The Court may, if it shall think proper, and if the requirements of the law for the time being in force have been complied with so as to entitle the document to registration, order such Registrar to register the document, or direct its registration in the proper manner, and he shall thereupon obey such order, and the registration pursuant to such order shall take effect as if the document had been duly registered when it was presented for registration to the Officer so refusing as aforesaid. The plaint in any suit instituted under this Section shall bear a stamp of the value of eight annas.

Registering Officer not to be liable for anything *bonâ fide* done or refused in his official capacity.

81. Nothing contained in this Act shall be construed as rendering a Registering Officer liable to any suit or any claim or demand by reason of any thing *bonâ fide* done or refused in his official capacity.

PART XIV.

Miscellaneous.

Registry of instruments executed by Government Officers or certain public functionaries.

82. Notwithstanding anything herein contained, it shall not be necessary for any Officer of Government, or for the Administrator General of Bengal, Madras, or Bombay, or for any Official Trustee, or for the Receiver or Registrar of a High Court, to appear on the presentation in any Registry Office of any instrument executed by him in his official capacity, or to sign the endorsement mentioned in Section 61; but when any instrument is so executed, the Registering Officer to whom such instrument is presented for registration, may, if he think fit, refer to any Secretary of Government, or to such Officer of Government, Administrator General, Official Trustee, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Penalty for incorrectly copying, translating, abstracting or registering documents with intent to injure.

83. Every Registering Officer appointed under this Act and every person employed in his Office for the purposes of this Act, who, being charged with the copying, translating, ab-

stracting or registering of any document presented or deposited under the provisions of this Act, shall copy, translate, abstract or register such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury as defined in the Indian Penal Code to any person, shall be punished with imprisonment of either description, as defined in such Code, for a term which may extend to three years, or with fine, or with both.

Penalty for making false statements before Registering Officer.

84. Whoever shall wilfully make any false statement in any deposition or declaration before any Officer acting in execution of this Act, in any proceeding or enquiry under the 37th or any other Section of this Act, shall be deemed to have committed the offence defined in Section 199 of the Indian Penal Code, whether such statement shall have been made upon oath or not.

Registers kept under former enactments to be transferred to Registrar of the District.

85. All Registry Books kept under the said Act No. XVI of 1864 or any Act or Regulation repealed thereby, shall be transferred to the Registrar of the District in which they are now preserved, and all rules contained in or made pursuant to this Act shall, so far as they may be applicable, apply to the books so transferred as aforesaid.

References to Act No. XVI of 1864 to be read as if made to this Act

86. All references to the said Act No. XVI of 1864 in Acts passed previous to the date of this Act coming into operation shall be read as if made to this Act.

Commencement of Act in Bengal, Madras and Bombay.

87. This Act shall come into operation on the first day of July 1866 in the Presidencies of Bengal, Madras and Bombay.

Power to extend Act to other Territories.

This Act may be extended to any other part of British India by an order of the local Government, to be notified in the Official Gazette;

Time for registering instruments executed in such Territories before extension.

and no instrument of the descriptions mentioned in Sections 17 and 18 of this Act, which shall have been executed in any such part before the date on which this Act shall come into operation therein, shall be accepted for registration, unless it be presented for registration within twelve months from such date.

STATEMENT OF OBJECTS AND REASONS.

This Bill repeals and re-enacts the law relating to the Registration of Assurances contained in Act XVI of 1864 and Act IX of 1865, with such alterations and additions as a year's experience has shown to be absolutely necessary or highly desirable, in order to clear up the doubts and remove the difficulties which have been felt in working the existing law.

The more important of these alterations and additions will be conveniently mentioned under the different Titles into which the law has been distributed.

In PART I, *Preliminary*, several definitions have been added. "Lease," for instance, is defined as including a counter-part, a kabuliyat, an agreement to lease: this will prevent any doubt as to the registrability of such documents. "Representative" is defined to include the committee of a lunatic and the manager of his estate: this will meet the difficulty which has arisen in the case, where a person has become a lunatic between the date of executing an instrument and that of presenting it for registration. Lastly, "Civil Court" is defined as including Revenue Court, but as excluding a Court for the relief of insolvent debtors. The object of this exclusion is to relieve an insolvent Court on making a vesting order from the necessity of sending a memorandum of it to an office, the situation of which cannot in general be then determined.

PART II.—*Of the Registration Establishment.*—The principal addition made to the law on this head consists in empowering the Local Government, with the previous sanction of the Governor-General of India, to establish a Branch General Registry Office. The head of such Office is to have all the powers of a Registrar General, excepting his power to frame rules.

PART III.—*Of Registrable Documents.*—Endorsements upon and transfers of debentures issued by Land Companies have, like shares in such Companies, been exempted from compulsory registration, and awards relating to immoveable property have been expressly added to those of which the registration is optional. Words have also been added providing, practically, for the optional registration of every document likely to be met with in Indian practice. Much difficulty has arisen from the frequent imperfection of the descriptions of parcels in instruments relating to immoveable property. The Bill accordingly provides that no such instrument shall be accepted for registration unless it contains a description of the property sufficient in the opinion of the Registering Officer to identify the same. The Bill also gives directions for the framing of such descriptions. As to documents in languages not understood by the Registering Officer, the provisions of the Act have been somewhat modified. Under the Bill, the Registering Officer may refuse to register the instrument unless it be accompanied by a copy and a translation into the language commonly used in the District. The copy will be filed and the translation registered; and for the purpose of making the copies and abstracts required by the other parts of the Bill, the translation will be treated as if it were the original.

PART IV.—*Of the Time of Registration.*—The Bill provides for the case, left unnoticed in the present enactments, of an instrument being executed by several persons at different times, and, in cases where delay in presentation is unavoidable, enables the acceptance of the document. The Registrar, who will generally be the Collector or Judge, or some Officer of experience, may accept the document, on payment of a penalty, provided the delay does not exceed six months. This will enable him to mitigate the hardships which now occasionally result from non-registration owing to such unavoidable accidents as sudden departure to England from sickness. Provision is also made where the last day of the period fixed for registration falls on a holiday. And a Section

has been introduced, saving the time prescribed by Statute for the registration of the certificate of a creditor's assignee and other documents.

PART V.—*Of the place of Registration.*—A discretionary power is here given to a Registrar (as the District Registrar is called in the Bill) to receive and register instruments relating to immoveables which might be registered by any Sub-Registrar (the Deputy Registrar) in his district.

PART VI.—*Of the presentation Of instruments for registry*, and PART VII.—*Of the enforcement of attendance of executants and witnesses.*—Every document to be registered is to be presented by some person executing *or claiming* under it, or by his representative, assign, or agent; but all the persons executing the instrument or their representatives, assigns, or duly authorized agents, are, as at present, to appear before the Registering Officer, and admit execution. The Registering Officer may examine any one then present in his Office, and such examination may, if he pleases, be upon oath. Any person presenting (not "any party to") an instrument is enabled to procure the attendance of any other person required to attend on presentation, or whose testimony is necessary for the registration of the instrument. The power of attorney required to authorize a person to present a document for a principal residing out of British India is to be executed before, and authenticated by, a Notary Public, or any Court, Judge, Consul or Magistrate; and every power of attorney authorizing a person to present a document may, as in the Civil Courts, be proved by its production when it purports on its face to have been duly executed and authenticated.

PART VIII.—*Of the Registration of Memoranda of decrees and orders affecting immoveable property and sent by the Court to the Office.*—These memoranda are to be sent to every Registrar within whose district any part of the property is situate; and the costs of their registration are to be costs in the cause.

PART IX relates to the registration of Wills and authorities to adopt. As to the persons entitled to register such instruments, the Bill provides that the testator or any person claiming as executor or otherwise under a Will may register the Will, and that the donor or donee of any authority to adopt or the adoptive son may register any such authority. The depositor of sealed covers containing Wills or authorities to adopt may withdraw them on applying to the Registrar in whose Office they may have been deposited, and need no longer incur the expense and delay of presenting a petition to the District Court.

PART X.—*Of the fees for registration, searches and copies.*—The table of fees mentioned in the present Act is to include the extra or additional fees payable for discretionary registration by a Registrar General or a Registrar, for special registration of obligations for payment of money, for the issue of commissions, for filing translations of documents in languages not understood by the Registering Officer, and for attendance at private residences.

PART XI.—*Of the effect of registration and non-registration.*—This Part, with a few verbal changes, contains little but Section 67, the Clause as to the effect of non-registration comprised in Section 13, Section 68, and Section 51 of Act XVI of 1864. The Bill, however, imports a Section from the Limitation Act which there is reason to believe has been generally overlooked, and which provides that registration doubles the period of limitation in suits under a written contract for money lent, or interest or breach of contract.

PART XII.—*Of the duties and powers of Registering Officers*—brings together the provisions on this head which are scattered throughout the various Sections of Act XVI of 1864. This Part is subdivided into six heads, (*a*), as to the Registry books, (*b*), as to procedure on admitting to registration, (*c*), as to the special duties of the Sub-Registrars, (*d*), as to the special duties of the Registrars, (*e*), of the Registrar General, and (*f*), of the controlling powers of Registrars and Registrars General. Experience has suggested some changes in the number and nature of the Books. The Bill provides that, in all Registry Offices, four Books shall be kept, (1) a Register of instruments affecting immoveable property; (2) Register of decrees and orders of Court affecting immoveable property; (3) Register of deposits of Wills and Adoption-Instruments; and (4) Register of Wills and Adoption-Instruments. Registrars and Sub-Registrars will further keep (5) Register of obligations for payment of money specially registered; (6) a Miscellaneous Register, (7) a record of powers of attorney, and (8) a record of reasons for refusing to register. The Registrar General and all Registrars will, lastly, keep a Book (9) entitled "Register of Abstracts," in which the Registrar will enter abstracts of instruments relating to immoveable property situate in several districts, of which copies shall have been forwarded to him by a Sub-Registrar, or by the Registrar General, and the Registrar General will enter abstracts of entries made in any register and forwarded to him. The indexes to be kept under the Bill will, in addition to the particulars shown by the indexes kept under the Act, contain the names (if any) and descriptions of all persons claiming under a registered document.

Copies of entries in Registry Books Nos. 3, 5 and 6 will be given to any person executing or claiming under the documents to which the entries respectively refer, but the requisite search for such entries will be made only by the Registering Officer.

On admitting to registration, the Registering Officer, when the statements made before him are conflicting, is empowered to record a note of the substance of the statement made by every person whom he may have examined.

The endorsement on every document admitted to registration is to state not only any payment of money or delivery of goods, but also any admission of receipt of consideration made in the presence of the Registering Officer in reference to the execution of the document.

Registrations *bonâ fide* made by any Registering Officer are not to be deemed invalid merely by reason of defect or irregularity in the appointment of, or in the procedure followed by such Officer.

Every Registering Officer may at his discretion administer an oath (which is defined to include a solemn affirmation) to any person examined by him.

The Registrar General is empowered to make rules, not only relating to the subjects mentioned in Section 64 of Act XVI of 1864, but also as to the languages in which, and the materials on, in, and with which documents presented for registration are to be written or printed, the size of such documents, and the extent of blank space to be left thereon, and as to the holidays to be observed in the Registry Offices.

PART XIII.—*Of refusal to register.*—When a Registrar or Sub-Registrar refuses to register a document, he is to endorse thereon "registration refused," and no Registering Officer is to accept for registration a document so endorsed unless and until an appeal shall have been presented and decided in favour of the appellant. The procedure where a Registrar refuses to register a document relating to immoveable property is somewhat altered. If a Registrar refuse to register any document relating to immoveable property, or if he shall on appeal refuse to direct registration, any person claiming thereunder may institute a regular suit to which the Registrar may be a party. But nothing contained in the proposed Act is to be considered as rendering a Registering Officer liable for any thing *bonâ fide* done or refused in his official capacity. In practice it has been found that the Civil Courts have sometimes directed registration to take place in cases where the requirements of the law have not been fulfilled. The reason of this, doubtless, is that it was no one's interest or duty to bring to the notice of the Court the precise manner in which the law had been disobeyed. By making the Registrar a party to the suit he will be in a position to substantiate the grounds on which his refusal was based, while at the same time he is protected from damages so long as his acts are shown to have been done in good faith.

PART XIV.—*Miscellaneous.*—The Administrators General, the Official Trustees, the Receivers and Registrars of the High Courts are, like Officers of Government under Section 69 of Act XVI of 1864, exempted from appearing on presentation of instruments which they may have executed in their official capacity. Penalties are provided for incorrectly copying or translating, abstracting or registering documents with intent to cause "injury" as defined in the Indian Penal Code. All Registry Books kept under Act No. XVI of 1864 or any enactment repealed thereby will be transferred to the Registrar of the District in which they are now preserved, and the rules as to extracts, searches, fees, &c., contained in or made pursuant to this Act will apply to the Books so transferred.

S. ST. J. GORDON.

The 20th January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight:—

No. 1 OF 1866.

A Bill to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and of Act No. XXIX of 1865.

Preamble.

Whereas it is expedient to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and of Act No. XXIX of 1865; It is enacted as follows:—

Power to Sudder Court North Western Provinces to make rules as to Pleaders and Mookhtars of such Court.

1. Notwithstanding anything contained in "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," the said Sudder Court shall have power to make rules for the qualification, admission and enrolment of proper persons to be Pleaders and Mookhtars of such Court, for the fees to be paid for the examination, admission and enrolment of such persons, and, subject to the provisons contained in the same Act, for the suspension and dismissal of the Pleaders so admitted and enrolled. The said Court may also from time to time vary and add to such rules.

Certain provisions contained in Act No. XX of 1865 to apply to Pleaders and Mookhtars practising in such Court.

2. The provisions contained in Sections 5 to 12 (both inclusive), 14, 15, 18, 37, 39 and 41 of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and in Sections 1 and 2 of Act No. XXIX of 1865, shall, *mutatis mutandis*, apply to Pleaders and Mookhtars practising in the said Sudder Court.

This Act to be read with Act No. XX of 1865.

3. This Act shall be read with and taken as part of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to extend certain provisions of Act No. XX of 1865 and the amending Act No. XXIX of 1865, to the Sudder Court of the North-Western Provinces. The Court was exempted from the former Act, as its conversion into a High Court was expected to occur before 1st January 1866, the day on which the Act came into operation: that conversion, however, has not yet taken place. The Judges of the Sudder Court wish to make rules under the Act for their Pleaders and Mookhtars, as well as to provide for the payment of the Pleaders' fees. The present Bill has been prepared so as to enable the Judges to carry their wish into effect.

H. S. MAINE.

The 30th January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight:—

No. 2 OF 1866.

A Bill further to amend the Schedule annexed to the Code of Criminal Procedure.

Preamble.

Whereas it is expedient further to amend the Schedule annexed to the Code of Criminal Procedure; It is enacted as follows:—

Amendment of Schedule as regards Sections 277 and 278 of the Indian Penal Code.

1. In lieu of the word "ditto" in the parts of column 7 of the said Schedule respectively referring to Sections 277 and 278 of the Indian Penal Code, there shall be read the words "Any Magistrate."

Amendment of Schedule as regards Section 325 of the Indian Penal Code.

2. In lieu of the words "Court of Session" in the part of such column referring to Section 325 of the Indian Penal Code, there shall be read the words "Any Magistrate."

Amendment of Schedule as regards Section 380 of the Indian Penal Code.

3. In lieu of the word "ditto" in the part of the said Schedule referring to Section 380 of the Indian Penal Code, there shall be read the words "Court of Session or any Magistrate."

Nothing in this Act to alter effect of the rest of the Schedule.

4. Nothing herein contained shall be taken to alter the effect of any other part of the said Schedule immediately before the passing of this Act.

This Act to be read with the Code of Criminal Procedure.

5. This Act shall be read with and taking as part of of the Code of Criminal Procedure.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to enable any Magistrate to try the following offences:—

Defiling the water of a public spring or reservoir:
Making the atmosphere noxious to health:
Voluntarily causing grievous hurt; and
Theft in a building, tent or vessel.

The reasons of the proposed change are these: *first*, as the law now stands, the time of the higher tribunals is needlessly taken up in trying cases which might well be dealt with by the lower grades of Magistrates; and, *secondly*, these offences being now often necessarily triable at a great distance from the place of their commission, the prosecutor and his witnesses are exposed to the hardship of a long journey, or the offence is hushed up to prevent that hardship.

H. S. MAINE.

The 30th January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India, Home Dept., (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight:—

No. 3 OF 1866.

A Bill to continue Act No. XXXI of 1860 *(relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases) and for other purposes.*

Preamble.

Whereas Act No. XXXI of 1860 as continued by Act No. VI of 1865 will expire on the first day of October 1866; and whereas it is expedient to continue the said Act No. XXXI of 1860; and whereas it is desirable to render the license mentioned in the 26th and other Sections of the same Act grantable upon conditions; It is enacted as follows:—

Repeal of Act No. VI of 1865 and of part of Section 55 of Act No. XXXI of 1860.

1. Act No. VI of 1865 and the second Clause of Section 55 of Act No. XXXI of 1860 are hereby repealed; but the rest of such Act shall continue in force from the passing of this Act until the Governor-General of India in Council shall by an order published in the *Gazette of India* declare otherwise.

Rest of Act No. XXXI of 1860 continued.

Licenses to bear arms may be granted on conditions.

2. The license mentioned in Sections 26, 28, 29 and 30 of the said Act No. XXXI of 1860 may be granted by the Magistrate or other person specially authorized to grant the same, subject to such conditions, if any, as such Magistrate or other person shall think fit; and on breach of any such conditions, or failure to comply therewith, such license shall thereupon be null and void.

Short title.

3. This Act may be cited as "The Arms Act Continuance Act, 1866."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to continue Act XXXI of 1860, commonly known as the Arms' Act. An enquiry has been instituted throughout India as to the operation of the Act: the result is that, in the opinion of the Local Governments, the Act has worked excellently, that it has mitigated the character of crime over a great part of India, and that no Europeans and no Natives of approved loyalty have been disarmed under the Act. There is, however, some evidence that the disarming of the country has encouraged the multiplication of wild animals: the Bill therefore enables the Local Officers to make licenses to carry arms dependent on the performance of a condition. The conditions annexed may be such as to render it possible to issue licenses more freely than heretofore.

The Bill does not propose to perpetuate the existing Act, but merely to continue it until the Governor-General in Council shall otherwise order.

H. S. MAINE.

The 2nd February 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India, Home Dept. (Legislative.)

HOME DEPARTMENT.

No. 1156.

Fort William, the 5th February 1866.

NOTIFICATIONS.

The under-mentioned Officer, in British Burmah, has passed "with credit" an examination in the Burmese language by the first or lower standard :—

Mr. W. H. Pattison, Assistant Superintendent of Police.

No. 1158.

The under-mentioned gentlemen are invested with the powers specified opposite their respective names under Section 22, Act XXV of 1861 :—

Mr. W. Hutton, Extra Assistant Commissioner, Hurdui.	With the powers of a Magistrate.
Mr. H. S. Boys, Civil Service, Assistant Commissioner, Baraitch.	With the powers of a Subordinate Magistrate of the 1st Class.
Mr. J. M. C. Steinbelt, Civil Service, Assistant Commissioner, Durriabad.	Ditto ditto.

Mr J. Woodburn, Civil Service, Assistant Commissioner, Seetapore, is empowered to hold the preliminary enquiry and commit cases to the Sessions Court under Section 38 of the Code of Criminal Procedure.

No. 1160.

Lieutenant J. E Sandeman, General List, Infantry, Probationary Assistant Revenue Surveyor, 2nd Division, Central Provinces, is confirmed in that appointment with effect from the 7th of December 1865.

No. 1200.

The 7th February 1866.

The services of the Reverend W. J. Young, Chaplain of Nowgong, are placed at the disposal of the Government of the North-Western Provinces.

No. 1221.

Mr J. F. Browne, of the Civil Service, is permitted to proceed to Europe on furlough for a period of two years from the date of embarkation.

No. 1271.

The 8th February 1866.

The Governor General in Council is pleased, under Section 5 of the New Ecclesiastical Leave Rules to grant 18 months' leave, on medical certificate, to the Reverend C. A. L. Whyte, Junior Chaplain on the Bengal Establishment, with effect from the date on which he may avail himself of the same.

No. 1279.

Mr. N. A. Garstin, Officiating District Superintendent of Police, Hurdui, has been granted one month's privilege leave from the 20th January, or from such subsequent date as he may have availed himself of it, under para. 16 of the New Uncovenanted Service Absentee Rules.

No. 1285.

Messrs. W. Thaine, H. P. Mulock, G. E. Low, H. Priestley, and G. E. Knox, Junior Civil Servants, having passed in two languages within the prescribed interval after arrival in India, have each been presented with the authorized donation of Rs. 800, and Mr. G. R. C. Williams has been awarded a Gold Medal of Merit for "Marked Proficiency" in Oordoo.

No. 1288.

The Governor General in Council is pleased to attach Messrs. H. P. Mulock and G. E. Low, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oude.

No. 1309.

The 9th February 1866.

Captain M. M. Proctor, District Superintendent of Police in Oude, is promoted from the 5th to the 4th Grade.

Lieutenant C. S. Noble, Assistant District Superintendent of Police in Oude, to be a District Superintendent of the 5th Grade, vice Captain Proctor.

Mr. Biscoe Stainforth to be an Assistant District Superintendent of Police in Oude, vice Lieutenant Noble.

No. 1318.

Mr. G. D. Anderson, Assistant Superintendent of Police, to officiate as Superintendent of the 5th Grade in British Burmah, during the absence of Lieutenant Lowndes, on sick certificate, vice Mr. J. H. Lawrence, promoted to the Grade of Superintendent, with effect from 14th August 1865.

No. 1320.

The Viceroy and Governor General in Council is pleased to extend Act XIV of 1859 to the Bijiragogurh Tehselee of the Jubbulpore District, in the Central Provinces.

No. 1322.

Mr. W. R. Baillie, Assistant District Superintendent of Police, Nagpore, in the Central Provinces, has obtained two months in extension of the six months' leave of absence on medical certificate granted him by Notification No. 1397, dated 28th August 1865.

No. 1328.

1. The following promotions in the Telegraph Department, consequent on the transfer of Mr. H.

J. Walton to the Indo-European Line, will have effect from the 5th January 1866:—

1st Assistant Superintendent W. R. Brooke (on leave in England) to be Superintendent.

2nd Assistant Superintendent E. F. Wallis, to be 1st Assistant Superintendent.

3rd Assistant Superintendent J. G. Cairns, to be 2nd Assistant Superintendent.

4th Assistant Superintendent K. H. Jenkins, to be 3rd Assistant Superintendent.

2. The following promotions in the Telegraph Department, consequent on the promotion of Mr. B. Ffinch to the grade of Superintendent, will have effect from the 18th July 1865:—

2nd Assistant Superintendent W. C. Darling, to be 1st Assistant Superintendent.
3rd Assistant Superintendent G. G. Charles, to be 2nd Assistant Superintendent.
4th Assistant Superintendent J. H. Faris, to be 3rd Assistant Superintendent.

3. The following promotions in the Telegraph Department, consequent on the transfer of Mr. H. V. Walton to the Indo-European Line, will have effect from 5th January 1866:—

3rd Assistant Superintendent W. J. C. Westaway, to be 2nd Assistant Superintendent.
4th Assistant Superintendent C. R. G. Gibson, to be 3rd Assistant Superintendent.

4. The following acting appointments in the Telegraph Department, consequent on the absence, on leave, of Mr. W. R. Brooke, Superintendent, will have effect from 5th January 1866:—

1st Assistant Superintendent H. E. Thompson, to officiate as Superintendent.

2nd Assistant Superintendent W. H. Toulmin, to officiate as 1st Assistant Superintendent.

3rd Assistant Superintendent C. F. Rowband, to officiate as 2nd Assistant Superintendent.

4th Assistant Superintendent A. S. McGrath, to officiate as 3rd Assistant Superintendent.

5. The following acting appointments in the Telegraph Department, consequent on the promotion of Mr. J. Blisset to officiate as Superintendent, will have effect from the 19th February 1865:—

2nd Assistant Superintendent R. F. Parsons, to officiate as 1st Assistant Superintendent.

3rd Assistant Superintendent K. B. Thomas, to officiate as 2nd Assistant Superintendent.
4th Assistant Superintendent J. Prince, to officiate as 3rd Assistant Superintendent.

6. The following acting appointments in the Telegraph Department, consequent on the absence on leave of Mr. R. F. Dallas, 2nd Assistant Superintendent, will have effect from 6th February 1865:—

3rd Assistant Superintendent F. DeLastic, to officiate as 2nd Assistant Superintendent.

4th Assistant Superintendent C. J. Windle, to officiate as 3rd Assistant Superintendent.

E. C. BAYLEY,

Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

GENERAL.

No. 199.

Fort William, the 7th February 1866.

Mr. E. Abreu, late Extra Assistant Commissioner in British Burmah, obtained leave from the 19th to the 31st December 1865, preparatory to retiring from the service of Government.

No. 201.

Mr. C. Hordern, Assistant Commissioner, Hyderabad Assigned Districts, has been granted ten days' leave of absence from the 15th December 1865, to enable him to rejoin his appointment.

No. 203.

Abdool Ruheem, Deputy Collector of Settlements in the Central Provinces, has been granted leave of absence on medical certificate for two months, from the 23rd November 1865.

No. 205.

Captain G. A. Warner, Deputy Commissioner of Nimar, has obtained leave of absence for 20 days, from the 1st instant, or from the date on which he may avail himself of it, to proceed to Bombay, preparatory to applying for leave to Europe on medical certificate.

No. 207.

Moonshee Nund Kishore, Extra Assistant Commissioner of Fyzabad, has obtained privilege leave of absence for one month, from the 1st March next, or from the date on which he may avail himself of it.

No. 218.

The 9th February 1866.

Lieutenant R. Bullock, Assistant Commissioner, Hyderabad Assigned Districts, has obtained privilege leave of absence for three months, from the 1st proximo, or from the date on which he may avail himself of it.

No. 220.

Lieutenant F. W. Major, Probationary Assistant Superintendent in the Mysore Revenue Survey, having passed the usual departmental examination, is promoted to the grade of Assistant Superintendent, from the 15th December 1865.

No. 222.

Mr. A. H. Harington, Assistant Commissioner in Oudh, having reported his return to India on the 13th ultimo, is granted twenty-three days' leave from that date, to enable him to rejoin his appointment.

W. MUIR,

Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 592.

Fort William, the 3rd February 1866.

Read again the following correspondence regarding the working of the Paper Currency :—

From the Chamber of Commerce, dated 23rd January 1866.

To Ditto No. 544, dated 1st February 1866.
From Ditto dated 3rd do.

RESOLUTION.—The Governor General in Council observes that the memorial of the Chamber of Commerce is in consonance with the views which the Government had under consideration.

The sense of the Commercial Community as well as of the Government of India, has been repeatedly declared in favor of a Gold Currency, but the Secretary of Sate has not as yet been satisfied that the attempt would be expedient or practicable. Instead of a Gold, a Paper Currency has been introduced, in the expectation that it would prove a more convenient and acceptable circulating medium than either of the precious metals.

After the experience of nearly five years, it is now desirable to enquire whether this expectation has been fulfilled. The enquiry should be, in the first instance, an enquiry into the operation of the Paper Currency Act, and not, as the Chamber of Commerce propose, an enquiry as to the expediency of introducing Gold into the monetary system of India. It must be shown that Paper has not proved, and is not likely to prove, a circulating medium adequate to the wants and suitable to the habits of the country, before an endeavour is made to introduce Gold in supersession of, or in addition to, Paper.

The Governor General in Council has accordingly determined to appoint a Commission consisting partly of official and partly of mercantile gentlemen, to enquire into, take evidence, and report upon the operation of the Paper Currency Act, upon any improved arrangements, including the introduction of Notes of the denomination of five Rupees, by which it could be rendered more effective, and upon any extension of the monetary system which the increasing commerce and prosperity of the country may seem to require. The Commission will be constituted as follows :—

President :

His Excellency General Sir W. R. Mansfield, K. C. B.

Members.

Hon'ble H. S. Maine.
Hon'ble W. Grey.
Hon'ble J. N. Bullen.
Hon'ble D. Cowie.
Mr. E. H. Lushington.
Mr. G. Dickson, Secretary, Bank of Bengal.
Mr. W. Anderson, Manager, Oriental Bank.
Mr. H. G. Dunlop, Manager, Agra and Masterman's Bank.

Secretary.

Mr. D. R. Onslow.

Ordered, that this Resolution be communicated to the President and Members of the Commission, and to the Secretary of the Commission, and be published in the *Gazette of India.*

No. 634.

The 6th February 1866.

NOTIFICATION.

The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in December 1865, is published for general information :—

	CALCUTTA.			MADRAS.			BOMBAY.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchts.		Govt.	Merchts.		Govt.	Merchts.	
In Dec. 1865 ...	963	1,12,41,891	50,26,983	...	13,32,212	5,87,000	...	1,12,39,446	94,97,225

No. 641.

The 8th February 1866.

The following Despatch from the Right Hon'ble the Secretary of State for India is published for general information :—

FINANCIAL. INDIA OFFICE,

No. 289. *London, 23rd December* 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

I have to acquaint you that the rate of exchange for Bills to be drawn in repayment of advances to be made by the several Governments in India for the service of the Royal Navy, and for the Public Service in China, in the Official year 1866-67, has been fixed, with the concurrence of the Lords Commissioners of the Treasury, at two shillings (2*s.*) the Rupee.

2. You will direct the same rate to be observed in 1866-67 in respect of Officers' Family Remittances and effects.

I have, &c.,

(Sd.) C. WOOD.

No. 684.

The 9th February 1866.

Mr. E. F. Harrison made over charge of the Office of Comptroller General of Accounts to Mr. R. P. Harrison on the afternoon of the 7th instant.

Surgeon Major J. F. Shekleton, Assay Master of the Calcutta Mint, received charge of the Office of Master of that Mint and of the Office of Head Commissioner of Paper Currency from Brevet Major Hyde, R. E., on the forenoon of the 7th instant.

Assistant Surgeon H. W. Graham received charge of the Office of Assay Master of the Calcutta Mint, on the forenoon of the same day.

Lieutenant Colonel J. Harly Maxwell received charge of the Office of Master of the Bombay Mint from Lieutenant Colonel J. A. Ballard, C. B., on the 1st instant.

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 5th February 1866.

No. 119 *of* 1866.—The following appointment is made :—

Army Commissariat Department.

Sergeant Robert Robinson to act as Sub-Conductor from the 9th January 1866, during the absence on sick leave to Europe of Sub-Conductor M. Carew, or until further orders.

No. 120 *of* 1866.—The under-mentioned Officer has been permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Robert Grant Watson, of the Bombay Staff Corps, 2nd Secretary to Her Majesty's Legation at the Court of Persia.	For 20 months, from the date of his departure from Teheran.

No. 121 *of* 1866.—The under-mentioned Officers of the Bengal Staff Corps are promoted from the dates specified opposite their names, instead of those assigned in Government General Orders Nos. 957 and 963 of 1861 :—

Captain (Brevet Major) S. J. Hire, to be Major from the 12th June 1861.

Lieutenant T. Quin, to be Captain from the 20th February 1861.

The 6th February 1866.

No. 122 *of* 1866.—*Erratum.*—In Government General Order No. 1073, dated 21st November 1865, notifying an appointment to the 4th Cavalry Punjab Frontier Force, for Lieutenant "J." O. Underwood, read Lieutenant *T.* O. Underwood.

Order Books to be corrected accordingly.

No. 123 *of* 1866.—The under-mentioned Out-pensioners of the Royal Hospital at Chelsea having been permitted to reside and draw their stipends in India, payment of pensions is to be made and charged accordingly :—

	Rate of Pension per diem.
Corporal John Creagan, late Her Majesty's 104th Foot.	1*s.* (one shilling) from the date on which he ceases to receive Regimental pay.
Private Patrick Whelan, late Her Majesty's 44th Foot.	1*s.* 1*d.* (one shilling and one penny) from the date on which he ceases to receive Regimental pay.

No. 124 *of* 1866.—The services of Lieutenant G. D. Reid, of the General List, Infantry, 1st Doing-duty Officer of the 31st (Punjab) Regiment Native Infantry, are placed at the disposal of the Government of Bengal.

The 7th February 1866.

No. 125 *of* 1866.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Surgeon A. R. Atkinson, M. D., of the Medical Department, on leave for two years, Government General Order No. 33 of the 10th January 1866.	"Hotspur," 2nd February 1866.
Principal Inspector General H. A. Bruce, M. D., FEL. U. C., of the Medical Department, on leave for twenty months, Government General Order No. 33 of the 10th January 1866. Assistant Surgeon A. A. Mantell, M. D., of the Medical Department, Civil, Burdwan, on leave for twelve months, Government General Order No. 45 of the 12th January 1866.	"Meinam," 3rd February 1866.

Lieutenant H. W. Garnault, of the Royal Engineers, Executive Engineer, 2nd Grade, Department of Public Works, Officiating Assistant to the Chief Engineer, and Assistant Secretary to the Government of Bengal, Public Works Department, on leave for twenty months, Government General Order No. 50 of the 16th January 1866. Major W. Reveley, of the Bengal Staff Corps, Deputy Commissioner of Police, Calcutta, on leave for twelve months, Government General Order No. 89 of the 25th January 1866. Lieutenant W. F. Tucker, of the General List, Infantry, on leave for twenty months, Government General Order No. 114 of the 2nd February 1866. Major Sir E. Leeds, *Bart.*, of the Bengal Staff Corps, Executive Engineer, 2nd Grade, Department Public Works, North-Western Provinces, on leave for twenty months, Government General Order No. 114 of the 2nd February 1866.	"Meinam," 3rd February 1866.

No. 126 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Colonel C. Reid, C. B., of the Bengal Staff Corps, Aide-de-Camp to the Queen, to the Brigade Staff of the Army with the rank of Brigadier General, in succession to Brigadier General J. M. B. Fraser-Tytler, C. B., who is permitted, at his own request, to resign his appointment on the Brigade Staff.

No. 127 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

PUNJAB FRONTIER FORCE.

4th Cavalry.

Lieutenant R. P. Blake, of the General List, Madras Infantry, to be 2nd Doing-duty Officer.

No. 128 *of* 1866.—Lieutenant G. W. Holdsworth, of the late 3rd European Regiment, is allowed an extension of leave from the 24th November to the 4th December 1865, the date on which he reported his return to Bengal from sick leave to Europe.

The 8th February 1866.

No. 129 *of* 1866.—Surgeon Major Charles Hathaway, M. D., of the Medical Department, is permitted to retire from the service on a pension of £292 per annum, from the 14th instant.

No. 130 *of* 1866.—The following Extract of a Military Letter from the Right Hon'ble the Secretary of State for India, No. 386, dated 23rd December 1865, is published for general information:—

PARA. 16.—"Assistant Surgeon H. W. Robinson has been permitted to retire from the service on the half pay of Lieutenant, viz., 4 shillings a day, from the 28th December 1863."

The 9th February 1866.

No. 131 *of* 1866.—The promotions of Sub-Conductors James Toozs and William Fuller to officiate as Conductors in the Ordnance Commissariat Department, announced in Government General Orders Nos. 1119 of the 1st December 1865 and 90 of the 25th ultimo, are to be held to have effect, the former from the 30th September 1865, during the absence on furlough of Conductor C. Grossmith, or until further orders, and the latter from the 25th November 1865, during the absence on sick leave to Europe of Conductor Hobery, or until further orders, instead of as previously notified.

No. 132 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Major (Brevet Lieutenant Colonel) Herbert Bruce, C. B., of the Bombay Staff Corps, Inspector General of Police, Lower Provinces.	For 20 months.
Lieutenant Thomas Kinahan, (Unattached) Barrack Master, Hazareebaugh.	For 20 months, under the new Regulations.

No. 133 *of* 1866.—Under the authority of Her Majesty's Government, it is hereby notified that able-bodied time-expired Soldiers of Her Majesty's British Regiments serving in India, who may decline to renew their engagement for further Indian Service, and who may in every way be fit for duty, will be permitted to re-enlist in India for Regiments which may be about to return to England, provided only they belong to the same Branch of the Service, and that the Regiments be stationed within the same Command.

The Bounty payable to the men so re-engaging will form a charge against Imperial Funds, and will be issued at the rates applicable to men who re-engage for their own Regiments in England (without taking their discharge), and not at the special Indian rates.

On arrival in England such men will be granted furlough under the same conditions as men who re-engage when a Corps is under orders for Home Service.

No. 134 *of* 1866.—The under-mentioned Officer having completed the prescribed period of service as Captain and Brevet Lieutenant Colonel, to be Colonel in the Army, from the date specified opposite to his name, subject to the approval of Her Majesty:—

BREVET.

To be Colonel in the Army.

Brevet Lieutenant Colonel Charles Thomas Edward Hinde, of the Bengal Infantry.	30th July 1865.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

Calcutta, the 9th February 1866.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned, Non-Commissioned and Warrant Officers and Soldiers, as specified in the Statements published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned and Warrant Officers of Her Majesty's Indian Military Service, in the month of January 1866.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange.
							Rs. A. P.		Rs. A. P.					
	Commissioned Officers.													
6th Jan. 1866	(a) Edward Knatchbull ...	Lieutenant ...	Late 18th Regt. N. I. ...	...	25th July 1865	Intestate	852 7 4	...	852 7 4					
10th " "	(b) James Edward Kennedy ...	Ditto ...	Late 74th Regt. N. I. ...	..	21st May 1865	Ditto	1,322 12 6	...	1,322 12 6					
10th " "	(c) Thomas Rumbold Taylor ...	Ditto ...	General List of Infantry	...	6th July 1865	Ditto	1,084 9 2	..	1,084 9 2					
11th " "	(d) F. T Ripley ...	Ditto ...	Late 47th N. I. ...	...	15th May 1865	Ditto	601 8 10	...	601 8 10					
16th " "	(e) William Thomas Garstin ...	Brevet Major and Captain ...	Late 70th N. I. ...	...	31st May 1865	Ditto	1,158 0 6	...	1,158 0 6					
16th " "	Ditto ...	Ditto ...	Ditto ...	...	Ditto	Ditto	118 15 0	...	118 15 0					
17 " "	(f) Cecil George Millett ...	Lieutenant ...	Late 70th Regt. N. I. ...	...	4th Feb. 1865	Not known	1,045 15 6	...	1,045 15 6					
18th " "	(g) Keith W. S. M. Cameron...	Ditto ...	Ey. Troop R. H. Arty. ...	...	19th Mar. 1865	Intestate	501 7 8	...	501 7 8					
24th " "	(h) A. M. Ommanney ...	Ditto ...	Corps of Guides, Bengal Staff Corps ...	...	3rd Oct. 1865	Ditto	588 9 0	...	588 9 0					
25th " "	(i) Cecil George Millett ...	Ditto ...	Late 70th Regt. N. I. ...	...	4th Feb. 1865	Not known	109 10 6	...	109 10 6					
29th " "	(j) Walter Fage Ireland ...	Captain ...	Late 25th Regt. N. I. ...	...	6th July 1865	Intestate	116 2 1	...	116 2 1					
	Carried over, Rs. ...	.. ..	... ...	...	...	...	7,500 2 1	...	7.500 2 1					

(a) Next of kin, father.
(b) Next of kin, father, Major Genl. J. D. Kennedy. of the retired list in England.
(c) Next of kin. father, Christian name unknown, 8, Leinster Terrace.
(d) Next of kin, eldest brother, T. E. T. Ripley, War Office, Pall Mall, London.
(e) Next of kin, mother, name unknown, No. 4, Painswick Lawn, Cheltenham.
(f) Next of kin, father, Charles Millett, Esq., 10 Queen s Gate Terrace, Hyde Park, London.
(g) Next of kin, father, Hugh James Cameron, Esq., lately a Banker, a retired private Gentleman, Buxton, England.
(h) Next of kin, father, Major General E. L. Ommanney, Royal Engineers, 13, Upper Park Place, Queen's Road, Richmond.
(i) Next of kin, father, Charles Millett, Esq., 10, Queen's Gate Terrace, Hyde Park, London.
(j) Widow, Mrs. Jessie Ireland; children, a son and 2 daughters, care of Mrs. Davidson, Links Montrose, Scotland.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned, Non-Commissioned, and Warrant Officers, &c.,—continued.

Date of Deposit.	On whose account	Rank.	Corps.	General Number	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of: Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees	Equivalent in Sterling.	Rate of Exchange.
							Rs. A. P.		Rs. A. P.					
	Brought forward	.	. ...	...	. ...	...	7,500 2 1	.	7,500 2 1					
	Commissioned Officers.—(contd.)													
29th Jan. 1866	(*a*) John Nelson Thomas ..	Major and Brevet Lieut. Colonel...	Late 39th Regt. N. I. ...	...	21st Mar. 1865	Intestate	113 6 0	...	113 6 0					
	Warrant Officer.													
10th Jan. 1866	(*b*) Lewis William Duffy ...	Hospital Apprentice	Sub. Medical Department	...	18th May 1865	Testate	88 6 6	...	88 6 6					
	Non-Commissioned Officer.													
6th Jan. 1866	Thomas Frederick Pryer ...	Corporal ...	1st Co., Sappers & Miners	...	23rd July 1864	..	3 0 8	...	3 0 8					
	Total, Rs. ...	.....	.....	...	.....	...	7,704 15 3	...	7,704 15 3					

(*a*) Widow, Mrs. Caroline Letitia Thomas, and six children.

(*b*) Widow, Mrs. Emma Duffy: son, Lewis Walter William Duffy, at Dera Ismael Khan.

FORT WILLIAM;
PAY OFFICE,
The 31st January 1866

C. F. M. MUNDY, *Lieut. Colonel,*
Presidency Pay Master.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased Commissioned Officers of Her Majesty's British Military Service in the month of January 1866.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of.				Rate of Exchange.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.		
												In Co.'s Rupees.	Equivalent in Sterling.	
							Rs. A. P.		Rs. A. P.					
6th Jan. 1866	(a) John Frederick Pilkington...	Captain	H. M.'s 82nd Foot ...	...	28th Aug. 1865	Intestate	419 9 3	...	419 9 3					
29th „ „	(b) F. M. M. Mapleton ...	Lieutenant ...	H. M.'s 88th „ ...	...	17th „ „	Intestate	199 15 7	...	199 15 7					
						Rupees...	619 8 10	...	619 8 10					

(a) Next of kin, mother, Rutland Square, East Dublin, Ireland.

(b) Mother, Mrs. Mapleton, Kingstown, Dublin; uncle, H. Coupigné, Esq., 127, High Street, Gosport.

FORT WILLIAM;
PAY OFFICE,
The 31*st January* 1866.

C. F. M. MUNDY, *Lieut. Colonel,*
Presidency Pay Master.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

NOTIFICATION.

Calcutta, the 9th February 1866.

Under Clause 26 of the Regulations appended to the Regimental Debts' Act of 1863, it is notified that reports of the deaths of the under-mentioned Officers, on the dates specified, were received in the Military Department during the month of January 1866:—

Corps.	Rank and Names.	Date of decease.	Place of decease.
19th Hussars ...	Lieut. H. E. Kensit ...	23rd Dec. 1865...	Meerut.
1st Battalion, 7th Foot...	Ensign A. B. Parnell ...	29th „ „ ...	Morar.
82nd Foot ...	Lieut. S. Pitt ...	13th „ „ ...	Umritsur.
107th Foot ...	Captain W. C. Stirling ...	27th „ „ ...	Allahabad.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 34.

Fort William, the 5th February 1866.

NOTIFICATIONS.

Mr. M. H. Gaynor and C. Teroomul Row are appointed Accountants of the 4th Grade in the Public Works Department, the latter on probation, and posted to Mysore.

No. 35.

Mr. W. B. Macrone, Executive Engineer, 3rd Grade, Officiating Assistant Secretary to the Government of India, in the Public Works Department, is transferred from the Supernumerary List of the North-Western Provinces to the Effective Establishment of Bengal, and his services are placed at the disposal of the latter Government.

No. 36.

The 7th February 1866.

Colonel E. Lawford, R. E., Chief Engineer, Mysore, *is* granted leave on private affairs from the 18th to the 31st January inclusive, in continuation of the privilege leave granted him in Notifications Nos. 370 of 1865 and 14 of 1866.

No. 37.

Colonel E. Lawford is brought on special duty under the Government of India from 1st February 1866.

No. 38.

The 8th February 1866.

Sergeant W. Lippert, Supervisor, 2nd Grade, Mysore, has been permitted, at his own request, to resign his appointment in the Public Works Department, with effect from the 9th January 1866.

No. 39.

The 9th February 1866.

The Embankment Division of Public Works, British Burmah, will be designated in future the "Irrawaddy Embankment Division."

No. 40.

Lieutenant G. L. B. Simmons, R. E., Assistant Engineer, 2nd Grade, is transferred from British Burmah to the North-Western Provinces.

C. H. DICKENS, *Lieut. Colonel,* R. A.,
Secy. to the Govt. of India.

Topographical Survey Department.

No. 1.

Dated 1st February 1866.

Promotions.—The following promotions will take effect from the 1st instant:—

Mr. J. Harper, from 1st Class to Senior Sub-Assistant.

Messrs. R. D. Farrell, J. A. May, and F. Adams, from 2nd Class to 1st Class Sub-Assistant.

J. T. WALKER, *Lieut. Colonel,* R. E.,
Offg. Surveyor General of India.

The following appointments of Post Office Officials in the Madras Presidency are published for general information:—

Mr. T. H. Bradley, Post Master of Hyderabad, to be Inspecting Post Master, 5th Class, of the 10th or Mount Division, from 8th June 1865.

Mr. E. W. Cumberland, Post Master of Calicut, to be Post Master of Hyderabad, 1st Class, from the date on which he may join.

H. B. RIDDELL,
Director Genl. of the Post Office of India.

CAMP BOMBAY,
29th January 1866.

Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

THE under-mentioned Students have passed the Examination for the Degree of Bachelor of Arts:—

FIRST DIVISION.

In order of Merit.

1	Giroendra Mohun Chuckerbutty	...	Presidency College.
2	Rajkrishna Mookerjea	...	Ditto.
3	Gowry Sunker Dey	...	Ditto.
4	Kissory Loll Sircar	...	Ditto.
5	Shama Churn Chatterjea	...	Medical College.
6	Nilmoney Mookerjea	...	Presidency College.
7	Keshub Nauth Bishee	...	Ditto.
	Tariny Coomar Ghose	...	Ditto.
9	Mohendro Nauth Bhuttacharjea	...	Ditto.
10	Poorno Chunder Mitter	...	Teacher.
11	Nil Madhub Banerjea	...	Presidency College.
12	Krishna Chunder Doss Doss	...	Calcutta Free Church Institution.
13	Aubinash Chunder Banerjea, No. 1.	...	Presidency College.
	T. Harris	...	Agra College.
15	Aubinash Chunder Banerjea, No. 2.	...	Presidency College.
16	Nilmoney Dhur	...	Teacher.
17	Umesh Chunder Sanyal	...	Queen's College, Benares.
18	Aushootosh Mookerjea	...	Presidency College.
19	Hurrish Chunder Doss Doss	...	Calcutta Free Church Institution.
	Dhone Kristo Ghose	...	Ditto.

SECOND DIVISION.

In Alphabetical order.

Bacharam Mookerjee	...	Presidency College.
Baney Madhub Pal	...	Calcutta Free Church Institution.
Baney Madhub Roy	...	Presidency College.
Baranoshee Roy	...	Ditto.
Bhugwan Chunder Chatterjee	...	Teacher.
Brojendro Nath Chunder	...	Presidency College.
Brojo Lall Halder	...	Calcutta Free Church Institution.
Burroda Prosunno Shome	...	Ditto.
Cally Nath Dhur	...	Dacca College.
Cally Prosono Sircar	...	Presidency College.
Chandra Sekhara Sanyal	...	Queen's College, Benares.
Chunder Mohun Sen	...	Dacca College.
Damoder Doss	...	St. John's College, Agra.
Deno Nath Bose	...	Calcutta Free Church Institution.
Dhonesh Chunder Roy	...	Civil Engineering College.
Dwarka Nath Mitter	...	Presidency College.
Grish Chunder Mookerjee	...	Ditto.
Hara Chandra Chuckerbutty	...	Ditto.
Hurrogobindo Mookerjee	...	Ditto.
Hurry Choitono Ghose	...	Dacca College.
Hurry Mohun Chuckerbutty	...	Presidency College.
Jadub Chunder Seal	...	Ditto.
Joygopaul Ghose	...	Calcutta Free Church Institution.
Kali Proshono Chatterjee	...	Ditto.
Kally Prosunno Roy	...	Presidency College.
Kashi Kanto Sen	...	Ditto.
Keshub Chunder Roy	...	Ditto.
Khetter Mohun Chowdry	...	Calcutta Free Church Institution.
Kissen Nath Roy	...	Presidency College.
Koroona Doss Bose	...	Ditto.
Koylash Chunder Mozoomdar	...	Ditto.
Kristo Choitono Bhoomick	...	Ditto.
Kristo Chunder Sircar	...	Ditto.
Mendies, H. E.	...	Doveton College.
Mohendra Nauth Mitter	...	Presidency College.
Mothoora Nath Bose	...	Calcutta Free Church Institution.
Nilmadhub Shamunto	...	Ditto.
Nursing Chundra Mookerjee	...	Presidency College.

Obinash Chunder Chatterjee	...	Presidency College.
Peary Lall Roy	...	Ditto.
Peary Mohun Biswas	...	Dacca College.
Poresh Chunder Sircar	...	Presidency College.
Promotho Nauth Banerjee	...	Ditto.
Prosunno Coomar Sein	...	Ditto.
Rajendro Coomar Bose	...	Ditto.
Raj Kissen Sen	...	Ditto.
Rakhal Chunder Bose	...	Ditto.
Ramashur Bose	...	Ditto.
Ram Chunder Halder	...	Ditto.
Ram Comul Bose	...	Calcutta Free Church Institution.
Shib Chunder Dey	...	Presidency College.
Shib Chunder Gui	...	Teacher
Shoshee Bhooshun Sein	...	Presidency College.
Sumboo Chunder Dey	...	Calcutta Free Church Institution.
Sutto Doyal Banerjee	...	Presidency College.
Tarince Kantha Bhuttacharjee	...	Ditto.
Taruck Nath Paulit	...	Ditto.
Trailukya Natha Bhor	...	Ditto.
Ukhoy Chunder Dutt	...	Ditto.

The undermentioned Students have passed the Examination for the Degree of Bachelor in Law :—

FIRST DIVISION.

In order of Merit.

Gooroo Doss Banerjee	...	Presidency College,	Law Department.
Nilambora Mookerjee	...	Ditto	ditto.
Prosono Chunder Roy	...	Ditto	ditto.
Radha Kristo Sen	...	Ditto	ditto.

SECOND DIVISION.

In order of Merit.

Jugguth Doorlub Mozoomdar	...	Presidency College,	Law Department.
Otool Churn Mullick	..	Ditto	ditto.
Chunder Coomar Doss	...	Ditto	ditto.
Roodro Canto Biswas	..	Ditto	ditto.
Opendro Chundro Mullick	...	Ditto	ditto.
Bulloram Mullick	...	Ditto	ditto.
Shama Churn Chuckerbutty	..	Ditto	ditto.

The undermentioned Students have passed the Examination for a Licence in Law :—

In Alphabetical order.

Beereshur Halder	...	Presidency College,	Law Department.
Gouri Sunker Chatterjee	...	Ditto	ditto.
Gunga Doss Gooho	...	Ditto	ditto.
Hur Mohun Bose	..	Ditto	ditto.
Kally Churn Ghosal	..	Ditto	ditto.
Kirkpatrick, C.	...	Ditto	ditto.
Mohesh Chunder Sircar	...	Ditto	ditto.
Mohinee Mohun Burdon	...	Ditto	ditto.
Obhoya Doss Bose	...	Ditto	ditto.
Omer Nath Bose	...	Ditto	ditto.
Parbutty Churn Doss	...	Ditto	ditto.
Ram Gopaul Chakee	...	Ditto	ditto.
Shoshee Bhoosun Bose	...	Ditto	ditto.

The undermentioned Licentiates in Law, having graduated in Arts, are declared, under Clause 7 of the B. L. Regulations, to be entitled to the Degree of Bachelor in Law :—

Mohinee Mohun Burdon	...	Presidency College.
Poorno Chunder Mitter	...	Ditto.
Shoshee Bhoosun Bose	...	Ditto.
Shoshee Bhoosun Sein	...	Ditto.

J. SUTCLIFFE, M. A.,
Registrar.

The 27th January 1866.

ADVERTISEMENTS.

BENGAL CIVIL FUND.

At a Half-yearly General Meeting of Subscribers to the Bengal Civil Fund, held at the Town Hall on Wednesday, the 31st January 1866.

PRESENT:

V. H. SCHALACH, ESQ.	F. R. COCKERELL, ESQ.
THE HON'BLE W. S. SETON-KARR.	T. BRUCE LANE, ESQ.
THE HON'BLE GEO. CAMPBELL.	A. J. R. BAINBRIDGE, ESQ.
H. D. SANDEMAN, ESQ,	H. T. PRINSEP, ESQ.
THE HON'BLE F. A. B. GLOVER.	J. P. GRANT, ESQ.
R. P. JENKINS, ESQ.	L. R. TOTTENHAM, ESQ.
E. F. HARRISON, ESQ.	A. M. MONTEATH, ESQ.
R. B. CHAPMAN, ESQ.	J. GEOGHEGAN, ESQ.

THE HON'BLE F. A. B. GLOVER, *in the Chair.*

Read the following Report submitted by the Managers:—

"The Managers submit their proceedings for the past half-year for the consideration and sanction of the Meeting."

"Subject to the approval of the Subscribers, they have admitted to the benefits of the Fund the following families, viz:—

Widow	... £	300	0	0
Ten children ...	... „	720	0	0
	£	1,020	0	0
Less ⅙th under Rule 7	... „	170	0	0
	£	850	0	0

"The widow and ten children (five sons and five daughters) of the late Mr. J. R. Best, who died at Futtehpore on the 5th July last."

Daughter ...	... £	30	0	0
Less ⅙th under Rule 7	... „	5	0	0
	£	25	0	0

"The posthumous daughter of the late Mr. W. C. Bovell, admitted from the date of her birth, viz., 30th August 1865, in addition to the widow who was admitted by the last Meeting from the date of demise of Mr. Bovell, viz., 4th April last."

Four daughters ...	... £	400	0	0

"The four daughters of the late Mr. J. W. Grant (Annuitant of 1851), who died in England on the 7th September last."

Widow	... £	300	0	0
Five Children ...	... „	280	0	0
	£	580	0	0

"The widow and five children (two sons and three daughters) of the late Mr. M. A. G. Shawe, (Annuitant of 1865,) who died in England on the 6th November 1865."

Widow	... £	300	0	0

"The widow of the late Mr. Colin Lindsay (Annuitant of 1847), who died in England on the 18th August 1864, under the Old Rules."

Widow	... £	400	0	0
Daughter ...	... „	100	0	0
	£	500	0	0
Less private income ...	... „	273	1	10
	£	226	18	2

"The widow and daughter of the late Mr. George Mainwaring (Annuitant of 1841), who died in England on the 24th June 1865, under the Old Rules."

"The votes of the service have affirmed the Resolution of the last General Meeting making the following addition to Article XXIV of the Old Rules, viz.:—

For the Resolution, 133 votes.
Against it, 1.

"*Bonâ fide* savings from the pensions assigned to any family from the Fund under the Old Rules are not subsequent acquisitions within the meaning of Articles XXII and XXIV, and such savings may be enjoyed by any member or members of the family without any deductions from the pensions assigned."

"The realization of subscriptions under the arrangements recently introduced in the Offices of Account has, on the whole, been satisfactory, so far as can be judged from the returns received, but the returns are very much in arrear (from four to six months). The Managers hope that some improvement in this respect may be expected, and will take steps to represent the inconvenience caused by the delay, should their expectation of improvement not be fulfilled."

"In consequence of the introduction of the arrangements above referred to, the Managers propose an amendment in Article IX of the Rules, substituting for the words "deducted by the Civil Pay Master or other Officer auditing the monthly pay bills of Civil Servants," the following words, viz., "deducted by the Officer passing the monthly pay bills of Civil Servants."

"They also propose an alteration in Article XXI of the rules, with the view of adding the Accountant General of Bengal to the list of ex-officio Managers in the room of the Civil Pay Master, whose Office has been abolished, and substituting for the designation "Accountant General to the Government of India" that of "*Comptroller General of Accounts.*" "These alterations have been duly advertised as required by Article XVIII."

"Printed copies of the Report of the Actuary (Mr. Brown) have been circulated among the subscribers, in accordance with the intention expressed at the last meeting, and information has also been supplied, by a subsequent circular, as to the steps taken by the Managers after a consideration of the Report."

"The accounts of the past year 1864-65 are submitted."

Abstract of the Accounts of the Bengal Civil Fund for 1864-65.

	Bearing Interest at 8 per cent.			Bearing Interest at 4 per cent.		
Unappropriated Funds.	Rs.	A.	P.	Rs.	A.	P.
By Balance, 1st May 1864	2,91,234	14	4	12,93,289	6	3
„ Interest	30,933	6	1	67,704	7	2
„ Subscriptions during the year	2,28,620	9	1	1,76,482	6	1
„ Payments by an Annuitant in England to complete subscription balance to Rs. 12,500 under Rule 8	2,257	14	9	.....		
„ Composition payments by two Annuitants in India	.....			9,259	13	6
„ „ „ by one in England	704	12	3	624	15	9
„ Contributions by 51 Annuitants in India	.....			22,213	11	9
„ „ paid in England and by Absentees on Furlough ...	12,214	5	4	10,127	4	9
„ Fines from 8 Subscribers under Rule VI, including 4 for unequal age at marriage	.....			2,795	10	6
„ Fines from 2 for unequal age at marriage paid in England ...	2,652	4	3	2,352	0	4
„ Transfer from Appropriated Funds of deduction of one-sixth from pensions under Rule 7	9,515	6	1	8,439	3	4
„ Amount granted by Government for the payment of pensions of families of those Subscribers who were killed in the Mutinies	29,742	14	1	26,375	11	10
„ Donation from the Government paid in England	25,600	0	0	.....		
	6,33,476	6	3	16,19,664	11	3
Deduct—						
To Transfer to Appropriated Funds—						
„ Value of pension of Mrs. W. H Oakes, widow and one daughter of W. H. Oakes, Annuitant under the old Rules ...	32,138	3	9	.....		
„ Ditto of Lady A. H. Lawrence and one son ...	18,952	3	1	25,900	10	4
„ Ditto of two sons and one daughter of the Hon'ble G. F. Edmonstone, Annuitant	10,487	11	4	12,045	8	3
„ Ditto of two daughters and four sons of D. B. Morreson, Annuitant	24,191	4	3	28,462	15	11
„ Ditto of Mrs. R J. Scott, one daughter and two sons ...	29,299	1	5	38,066	9	6
„ Ditto of Mrs. F. Gouldsbury, widow and two sons of F. Gouldsbury, Annuitant	17,984	6	7	20,359	4	4
„ Ditto of Mrs. W. C. Bovell	15,866	5	11	21,917	7	10
„ Ditto of Mrs. C. Lindsay, widow of Colin Lindsay, Annuitant under the Old Rules	28,640	4	1	.....		
„ Interest thereon	8,258	7	9	2,790	9	0
„ Transfer to Appropriated Funds on account of pensions payable by Government	29,742	14	1	26,375	11	10
„ Refund of overpaid subscriptions	59	10	3	1,408	7	0
„ Establishment, &c.	2,259	14	2	2,004	1	2
„ Printing Charges	36	10	3	32	8	3
	2,17,917	0	11	1,79,363	13	5
Balance, 30th April 1865 ...	4,15,559	5	4	14,40,300	13	10
Appropriated Funds.						
By Balance, 1st May 1864	33,05,644	15	5	17,32,605	13	11
„ Interest	1,29,197	2	11	83,161	5	2
„ Transfer from Unappropriated Funds values of pensions granted to the above eight families within the year	1,77,559	8	5	1,46,752	8	2
„ Interest thereon	8,258	7	9	2,790	9	0
„ Transfer from Unappropriated Funds on account of pensions payable by Government	29,742	14	1	26,375	11	10
	36,50,403	0	7	19,91,686	0	1
Deduct—						
To pensions paid in England under Old Rules	2,09,695	2	0	.....		
„ „ „ „ „ New Rules	1,69,995	4	5	1,50,750	6	0
„ „ „ India under New Rules	15,953	7	8	11,147	7	6
„ Transfer to Unappropriated Funds of the deduction of one-sixth from pensions under Rule 7	9,515	6	1	8,439	3	4
	4,05,159	4	2	1,73,337	0	10
Balance, 30th April 1865 ...	32,45,243	12	5	18,18,348	15	3
Total Balance, 30th April 1865 ...	36,60,803	1	9	32,58,649	13	1

INVESTMENT OF THE BALANCE.

Investment in Treasury Notes at 8 per cent.	Rs.	32,72,050	14	6
Uninvested at 8 per cent. (since invested)	„	3,88,752	3	3
Invested in Company's Paper at 4, 5, and 5½ per cent.	„	*28,89,997	7	0
Uninvested at 4 per cent. ...	„	3,68,652	6	1
	Rs.	69,19,452	14	10
Deduct amount of Deposit ...	„	52,363	10	2
	Rs.	68,67,089	4	8

*This represents the price paid for the Securities, the nominal value of which amounts to Co.'s Rs 30,23,700, and the present market value of which may be stated at Co.'s Rs. 29,44,091-4.

COMPARISON OF THE BALANCE.

Balance, 30th April 1864, less the Deposit	Rs.	65,70,411	7	9
Balance, 30th April 1865, less the Deposit	„	68,67,089	4	8
Increase ...	Rs.	2,96,677	12	11

E. E.,
A. M. MONTEATH,
Honorary Secretary and Accountant.

Proposed by Mr. Bainbridge, seconded by Mr. Geoghegan, and resolved that the admission of the families specified in the Managers' Report be confirmed, and the Accounts of the Fund be passed.

Proposed by Mr. Harrison, seconded by Mr. Tottenham, and resolved that Article 9 of the Rules be amended as follows :—

ARTICLE 9.

PRESENT RULE.

The amount of contribution payable by each Subscriber in the service shall, with the permission of Government, be deducted by the Civil Pay Master or other Officer auditing the monthly pay bills of Civil Servants, and be transferred to the Treasurer of the Fund in such manner as may be found most advantageous to the Fund, under the direction of the Committee of the Managers; and all Subscribers, from whose salaries deductions may be made less than may be due from them, shall be obliged, on discovery of the error, to make up the difference to the Fund, with interest thereon at the rate of five per cent. per annum.

AMENDED RULE.

The amount of contribution payable by each Subscriber in the service shall, with the permission of Government, be deducted by the *Officer passing the monthly pay bills* of Civil Servants, and be transferred to the Treasurer of the Fund in such manner as may be found most advantageous to the Fund, under the direction of the Committee of the Managers; and all Subscribers, from whose salaries deductions may be made less than may be due from them, shall be obliged, on discovery of the error, to make up the difference to the Fund, with interest thereon at the rate of five per cent. per annum.

Proposed by Mr. Grant, seconded by Mr. Prinsep, and resolved that Article 21 of the Rules be amended as follows :—

ARTICLE 21.

PRESENT RULE.

The annual Accounts of the Fund shall be made up to the end of April, and submitted by the Managers at the half-yearly General Meeting of Subscribers to be held in the month of January of each year. After being approved by the Meeting, a general statement of the state of the Fund shall be published for the information of the Subscribers in the *Calcutta Gazette*. A Committee of Managers of the Fund shall, at each January meeting, be appointed for the ensuing year, and shall consist of the Secretaries to the Government of India in the Home and Financial Departments, the Auditor and Accountant General to the Government of India when a Member of the Covenanted Civil Service in any Presidency, and the Civil Pay Master for the time being, with five others to be elected at such General Meeting.

AMENDED RULE.

The annual accounts of the Fund shall be made up to the end of April, and submitted by the Managers at the half-yearly General Meeting of Subscribers to be held in the month of January of each year. After being approved by the Meeting, a general statement of the state of the Fund shall be published for the information of the Subscribers in the *Calcutta Gazette*. A Committee of Managers of the Fund shall, at each January meeting, be appointed for the ensuing year, and shall consist of the Secretaries to the Government of India in the Home and Financial Departments, the *Comptroller General of Accounts* when a Member of the Covenanted Civil Service of any Presidency, the *Accountant General, Bengal*, for the time being, with five others to be elected at such General Meeting.

Mr. Seton-Karr offered a few explanatory remarks as to the course followed by the Managers in dealing with the Report which had recently been received from the Actuary. Mr. Campbell expressed concurrence in the observations made by Mr. Seton-Karr, and proceeded to give at some length his own views on the present condition of the Fund. Mr. Chapman also stated his views on the subject.

The remarks made by each of the three gentlemen named above will be found recorded in full in the Appendices.

Mr. V. H. Schalch, the Hon'ble W. S Seton-Karr, the Hon'ble George Campbell, Mr. J. A. Crawford, and Mr. T. Bruce Lane were elected Managers for the ensuing year.

A vote of thanks was passed to the Chairman.

BENGAL CIVIL FUND OFFICE,
The 31st January 1866.

F. A. GLOVER,
Chairman.

BENGAL CIVIL SERVICE ANNUITY FUND.

At an Annual General Meeting of Subscribers to the Civil Service Annuity Fund, held at the Town Hall on Wednesday, the 31st January 1866.

PRESENT:

V. H. SCHALCH, ESQ.
THE HON'BLE W. S. SETON-KARR.
THE HON'BLE G. CAMPBELL.
H. D. SANDEMAN, ESQ.
THE HON'BLE F. A. B. GLOVER.
R. P. JENKINS, ESQ.
E. F. HARRISON, ESQ.
R. B. CHAPMAN, ESQ.
F. R. COCKERELL, ESQ.
T. BRUCE LANE, ESQ.
A. J. R. BAINBRIDGE, ESQ.
H. T. PRINSEP, ESQ.
J. P. GRANT, ESQ.
L. R. TOTTENHAM, ESQ.
A. M. MONTEATH, ESQ.
J. GEOGHEGAN, ESQ.

THE HON'BLE F. A. B. GLOVER, *in the Chair.*

Read the following Report submitted by the Managers:—

"In consequence of the introduction of new arrangements in the Offices of Account throughout India, to which reference was made in the Report laid before the last annual meeting, the Managers now propose an alteration in Article 16 of the Rules, with the view of adding the "Accountant General, Bengal," to the list of ex-officio Managers, in the room of the Civil Pay Master, whose Office has been abolished, and substituting for the designation "Accountant General to the Government of India" that of "Comptroller General of Accounts."

"The realization of subscriptions under the new arrangements has, on the whole, been satisfactory, so far as can be judged from the returns received from the Offices of Account: but the returns are very much in arrear (from four to six months). The Managers hope that some improvement in this respect may be expected, and will take steps to represent the inconvenience caused by the delay, should their expectation of improvement not be fulfilled.

"The accounts of the past year, 1864-65, are submitted."

Abstract of the Accounts of the Bengal Civil Service Annuity Fund for 1864-65 *(40th year).*

	Rs. A. P.	Interest. Rs. A. P.
UNAPPROPRIATED FUNDS.		
Balance, 30th April 1864	26,00,000 0 0	1,56,000 0 0
Fine or difference of value of Annuity from one Annuitant	1,332 11 4	11 12 4
Recredit of Donation paid to Mr. C. G. Wynch	2,000 0 0	89 0 0
Subscriptions received during the year (including arrears)	3,62,334 12 3	11,676 5 1
Donation from the Government for the year	3,63,834 3 6	.....
	33,29,501 11 1	1,67,777 1 5
		33,29,501 11 1
		34,97,278 12 6
DEDUCT—		
Transfer to Appropriated Funds values of Annuities granted to Messrs. P. G. E. Taylor, Sir R. Montgomery, K. C. B., H. T. Raikes, F. A. Elphinstone,— Dalrymple, T. C. Trotter, W. J. Allen, H. B. Harington, R. Marriott, A. Swinton, and H. S. Mackenzie	8,68,898 5 2	
Interest thereon	16,699 15 6	
Refund of overpayment of subscription to Mr. H. D. H. Fergusson, Annuitant of 1863-64	399 14 7	
Interest thereon	19 12 9	
Establishment and Printing Charges, &c.	11,260 12 6	
		8,97,278 12 6
Balance on 30th April 1865 ...		26,00,000 0 0
APPROPRIATED FUNDS.		
Balance on 30th April 1864	1,93,53,645 9 0	11,61,218 11 9
Transfer from Unappropriated Funds values of the above-mentioned ten Annuities,	8,68,898 5 2	16,699 15 6
Recredit of transfers in excess of the amount of Annuities of the late R. Brown, H. Batson, H. M. Parker, W. Galloway, J. Curtis, C. Temple, D. B. Morrieson, C. Bayley, F. Gouldsbury, and G. F. Edmonstone ...	48,717 9 3	1,546 2 8
	2,02,71,261 7 5	11,79,464 13 11
		2,02,71,261 7 5
		2,14,50,726 5 4
DEDUCT—		
Payments to 226 Annuitants of their Quarterly Annuities	21,72,745 2 9	
Payments to 15 Annuitants of their Annual Annuities	1,60,000 0 0	
Interest charged upon the Quarterly paid Annuities	48,957 2 2	
		23,81,702 4 11
Balance on 30th April 1865 ...		1,90,69,024 0 5
Total Balance on 30th April 1865 ...		2,16,69,024 0 5

E. E.
A. M. MONTEATH,
Secretary and Accountant.

Proposed by Mr. Bainbridge, seconded by Mr. Tottenham, and resolved that the Proceedings of the Managers be approved, and the accounts of the Fund be passed.

Proposed by Mr. Chapman, seconded by Mr. Cockerell, and resolved that Article 16 of the Rules be amended as follows :—

ARTICLE 16.

PRESENT RULE.	AMENDED RULE.
The affairs of the Institution shall be conducted by nine Managers, of whom four shall be ex-officio, viz., the Secretaries to the Government of India in the Financial and Home Departments, the Auditor and Accountant General to the Government of India when a member of the Covenanted Civil Service of any Presidency, and the Civil Pay Master. The other five shall be subscribers, and shall be elected at a General Meeting of Subscribers to be held in January of each year in Calcutta.	The affairs of the Institution shall be conducted by nine Managers, of whom four shall be ex-officio, viz., the Secretaries to the Government of India in the Financial and Home Departments, the *Comptroller General of Accounts* when a member of the Covenanted Civil Service of any Presidency, and the *Accountant General, Bengal.* The other five shall be subscribers, and shall be elected at a General Meeting of Subscribers to be held in January of each year in Calcutta.

Mr. V. H. Schalch, the Hon'ble W. S. Seton-Karr, the Hon'ble Geo. Campbell, and Messrs. T. Bruce Lane, and J. Geoghegan were elected Managers for the ensuing year.

A vote of thanks was passed to the Chairman.

F. A. GLOVER,
Chairman.

BENGAL CIVIL SERVICE ANNUITY FUND,
The 31st January 1866.

NOTICE

Is hereby given, that sealed tenders will be received by the Secretary to Government in the Public Works Department at noon of Thursday the 15th March 1866, for the purchase of the right to a lease from Government of a portion, and an assignment of the lease of another portion of the premises now occupied by the Gun Carriage Manufactory at Colaba, and of all land and premises now in the possession of Government lying and situate between the premises now or lately belonging to the Colaba and the Apollo Land Companies on the North, and the Victoria Land Company on the South, and between the New Sea Wall now in course of construction on the East, and the Colaba main road on the West.

2. As to the piece of land colored yellow in the plan referred to in the fourth condition, and which contains about 10705½ square yards, the purchaser will be entitled, on payment of the balance of the purchase money, to an assignment of the lease under which the same is held, and which lease is dated the 23rd day of February 1818, and made between Juggonath Pandoosett of the one part, and the Hon'ble the United Company of Merchants of England trading to the East Indies of the other part, and is for the term of 99 years (renewable from time to time until the expiration of 1,000 years) from the 23rd of February 1818, subject to the yearly rent of Rupees 300.

3. The purchaser shall be entitled to no other evidence of title to the land comprised in the above lease, than the original lease itself, and he shall, at his own expense, execute a duplicate assignment of the lease containing the usual co venants for the payment of the rent thereby reserved and the observance of the covenants therein contained.

4. As to the portion on the plan colored blue, the conditions of the lease will be as follows : —

1*st.*—Lease to be for 999 years, commencing from the 15th March 1866, and to be granted on completion of the payment of the purchase money.

2*nd.*—A yearly rent of one pie per square yard per annum to be paid on the 15th of March of each year during the continuance of the lease.

3*rd.*—Lessee to be considered owner of all houses, buildings, sheds and other immoveable property on the land at the time of possession being given over.

4*th.*—Lessee shall have the right of filling in the land between the foreshore of the premises and the new seawall now in course of construction, as shown on a plan deposited in the Office of the Secretary to Government in the Public Works Department.

5*th.*—Lessee to pay all taxes, rates, &c., that may be or become due.

6*th.*—Land required for Police or Customs Chowkies as well on the assigned, as on the demised portion, to be given up to Government for such purposes free of valuation and rent.

7*th.*—The Lease to contain provisos for re-entry on breach of any of the covenants or conditions, or non-payment of the rent within twenty days after it becomes due, without any necessity for a formal demand thereof and all other clauses and conditions usually inserted in leases of a like nature.

8*th.*—The agreement, lease, and counterpart to be prepared by the lessor's solicitors at the lessee's expense.

9*th.*—The lessee not to enquire into or object to the lessor's title.

10*th.*—Possession of the Land, except that portion of it now in the possession of the Gun Carriage Manufactory, together with the right of filling in referred to in para. 4, will be given on

the 15th March 1866 on the purchaser's completing payment of the 25 per cent. payable on that day under Clause 13.

11*th*.—Possession of the land now in occupation by the Gun Carriage Manufactory will not be given until the 15th of March 1868.

12*th*.—Each tender must be accompanied by a receipt from the Bank of Bombay for a sum of five (5) lakhs of Rupees as a deposit, and the terms of payment will be as follows :—

13*th*.—Persons who have given in tenders must appear at the Office of the Secretary to Government, Public Works Department, at 12 o'clock noon on Monday the 19th March 1866, and the person whose tender may be accepted, will be required at the time of acceptance (that is, on the noon of the day aforesaid) to pay such a sum as with the said sum of five lakhs already deposited, will make up a sum equal to twenty-five per cent. of the total price, and if the successful tenderer fails to make this payment, his deposit of five lakhs will be forfeited, and the Government may, if they so please, accept any other tender.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the purchase money remaining unpaid at the rate of 5 per cent. per annum from the 15th March 1866) must be paid on or before the 15th March 1867.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the unpaid purchase money at 5 per cent. per annum from the 15th March 1867) must be paid on or before the 15th March 1868.

The balance of twenty-five per cent. of the purchase money (with interest thereon at the rate aforesaid from the 15th March 1868) must be paid on or before the 15th March 1869.

14*th*.—The Bank of Bombay receipts deposited by the persons whose tenders are not accepted, will be returned at noon on the 19th March 1866.

15*th*.—Government do not bind themselves to accept the highest or any tender.

16*th*.—Any further information that may be required may be obtained on application at the Office of the Secretary to Government, Public Works Department, between the hours of 11 A. M. and 3 P. M. on and after the 15th day of January 1866.

By order of His Excellency the Governor in Council,

W. KENDALL, *Colonel*, R. E.,
Acting Secy. to Govt.,
Public Works Department.

BOMBAY CASTLE,
2nd January 1866.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

NOTICE No. 1.

Sealed Tenders will be received by the Executive Commissariat Officers at Dinapore and Hazareebaugh up to 4 P. M. of the 3rd March 1866, and opened at noon, on the 5th March 1866, in presence of all parties who may choose to attend for the supply by contract, from 1st May 1866 to 30th April 1867, of the under-mentioned articles in the Dinapore Division.

No Tenders will be received except in forms obtainable from this Office or from Commissariat Office, Hazareebaugh.

Parties desirous of tendering will be furnished with all particulars on application to the Commissariat Offices of Dinapore and Hazareebaugh.

Potatoes.	Milk and Butter.
Yams.	Bazar Medicines.
Vegetables.	Hospital Necessaries.
Salt.	Do. Miscellanies.
Firewood.	Chickens and Eggs.
Coffee.	Hospital Comforts.
Tinning Cooking Utensils.	Barrack Miscellanies.

H. R. WROUGHTON,
Offg. Depy. Asst. Commsy. Genl.

DINAPORE;
EXE. COMST. OFFICE,
The 1st February 1866.

NOTICE.

Pursuant to a Decree of the High Court of Chancery made in a cause "Joseph Burnett Finch against Antoine Fortune Goutiere and others," the Creditors of Frederick Finch, late of No. 67, Rue de la Tresorerie, Bordeaux, in the Empire of France, and of Shahpore Oondee, in the District of Tirhoot, in the East Indies, Indigo Planter, and of No. 3, Carlton Hill, East, in the County of Middlesex, in England, deceased, (who died on or about the 23rd day of September 1863,) are, on or before the 1st day of March 1866, to send by post, pre-paid, to W. D. H. Oehme, of No. 221, Gresham House, Old Broad Street, in the City of London, the Solicitor of Matilda Finch, one of the Executors of the deceased, their Christian and surnames, addresses, and descriptions, the full particulars of their claims, a statement of their accounts, and the nature of the securities (if any) held by them, or in default thereof, they will be peremptorily excluded from the benefit of the said Decree. Every Creditor holding any security is to produce the same before the Vice-Chancellor, Sir William Page Wood, at his Chambers, situate at No. 11, New Square, Lincoln's Inn, in the County of Middlesex, on the 15th day of April 1866, at 12 o'clock at noon, being the time appointed for adjudicating on the claims. Dated this 7th day of December 1865.

W. D. H. OEHME, *Plaintiff's Solicitor,*
221, Gresham House,
Old Broad Street, London.

EDWD. WEATHERALL, *Chief Clerk.*

With reference to the above notice, Messrs. Barrow, Son, and Watson, of 8, Old Post Office Street, Calcutta, Solicitors, will give all necessary information to claimants.

NOTICE.

Pursuant to a Decree of the High Court of Chancery made in a cause "Joseph Burnett Finch against Matilda Finch and others," the Creditors of Justin Finch, late of Shahpore Oondee, in the District of Tirhoot, in the East Indies, Indigo Planter, deceased, (who died on or about the 7th day of March 1861,) are, on or before the 1st day of March 1866, to send by post, pre-paid, to W. D. H. Oehme, of No. 221, Gresham House, Old Broad Street, in the City of London, the Solicitor of Matilda Finch, the Executrix of the deceased, their Christian and surnames, addresses, and descriptions, the full particulars of their claims, a statement of their accounts, and the nature of the securities (if any) held by them, or in default thereof, they will be peremptorily excluded from the benefit of the said Decree. Every Creditor holding any security is to produce the same before the Vice-Chancellor, Sir William Page Wood, at his Chambers, situate at No. 11, New Square, Lincoln's Inn, in the County of Middlesex, on the 15th day of April 1866, at 2 o'clock at noon, being the time appointed for adjudicating on the claims. Dated this 7th day of December 1865.

W. D. H. OEHME, *Plaintiff's Solicitor*, 221, Gresham House, Old Broad Street, London.

EDWD. WEATHERALL, *Chief Clerk.*

With reference to the above notice, Messrs. Barrow, Sen, and Watson, of 8, Old Post Office Street, Calcutta, Solicitors, will give all necessary information to claimants.

IN THE DEHLIE COURT OF BANKRUPTCY.

Notice is hereby given that Mr. William Hamilton Marshall, Merchant of Dehlie, has been this day adjudicated Bankrupt, and that Friday, the 9th day of March 1866, is the day appointed for the meeting of Creditors, the appointment of a Creditors' Assignee, and the hearing of the Bankrupt's petition for discharge.

All Creditors intending to oppose the Bankrupt's discharge, must give notice thereof by a petition written on eight anna stamped paper, containing the grounds of their opposition, and an enumeration of any witnesses they may wish to be summoned. Such notice must be filed at least three days before the day appointed for the meeting.

The Schedules of the Bankrupt are open for the inspection of Creditors in the Office of the Official Assignee at the Court.

Registration of claims against the Bankrupt may be obtained by presenting an application on eight anna stamped paper containing a statement of the same, verified and signed by applicant.

Creditors living at a distance may obtain registration by forwarding by post a statement of their claim, written upon eight anna stamped paper, and verified on oath before a Judicial Officer.

W. COLDSTREAM,
Commr. in Bankruptcy.

DEHLIE,
The 31st January 1866.

WANTED

A Second Master for the Sehore School, salary Rs. 150 per mensem.

Apply, forwarding testimonials, &c., to
The Political Agent in Bhopal,
Sehore,
CENTRAL INDIA.

N. B.—In the event of the successful candidate being married, and his wife capable of teaching English, Sewing, &c., she would be appointed Head Mistress of the Sehore Girls' School on a salary of Rs 45 per mensem.

LOST.

The left half of the Government Currency Note No. 29981 of 1861 for Rs. 50.

BEEPIN CHUNDER GOOHO,
at present residing at Hoosheinpore.

LOST.

Lost, in transit from Purneah, second halves of G. C. Notes Nos. $\frac{A}{19}$ 08314, 07989, and 26059, for Rs. 10 each.

LOST.

Right halves of Bengal Govt. Currency Notes of Rs. 10 each. Nos. $\frac{A}{8}$ 23903 and $\frac{A}{18}$ 58066.

LOST

Right half of Government Currency Note No. $\frac{A}{15}$07988.

M. GREGORY AND CO.

LOST.

Second half of Government Currency Note No. $\frac{A}{14}$ 04845, for Rs. 100.

SUDDOY GHOSE.

NOTICE.

Stolen or lost a Government Promissory Note No. 5615 of P. W. Loan of 1854-55, for Rs. 1,000, standing in the name of Suddashib Biswas, interest on which is due from April 1860, and for a duplicate of which application has been made to Government.

DEGUMBERY DOSSEE,
Widow of Suddashib Biswas.

LOST second half of Currency Note No. $\frac{A}{9}$06215, dated 11th July 1861, for Rs. 20.

MUDDUN MOHUN SETT.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XV, corrected in the Office of the Adjutant General up to the 1st of January, will shortly be ready. This Number will contain the List of War Services of Officers. Price Five Rupees *in advance*, and eight annas extra if sent by post. Apply to

CALCUTTA,
6, *Bankshall Street.*

O. T. CUTTER, *Publisher.*

NORTH-WESTERN BANK OF INDIA.

IN LIQUIDATION.

TO PROPRIETORS.

An eighth and probably final dividend of Rs. 4 per share in further part of Capital will be payable in cash to proprietors, on and after the 12th instant, at the Bank Office here.

Production of share certificates will be required, as on previous occasions.

77, CLIVE STREET, CALCUTTA; 1st *February* 1866.

J. H. FERGUSSON, *Winding-up Manager.*

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

Registered under Act XIX. of 1857 *and Act VII. of* 1860 *of the Legislative Council of India.*

CAPITAL—RS. 2,50,00,000.

In 250,000 Shares of Rs. 100 each, of which more than half have been taken up.

FIRST CALL RS. 10 ON EACH SHARE.

No further Call will be made this year.

Intending Subscribers are requested to send in their applications *forthwith* with remittances.

TEMPORARY HEAD OFFICE.

CALCUTTA, No. 186, OLD CHINA BAZAR.

DIRECTORS:

LALLAH CHEERUNJEE LALL, of Delhi, Banker.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY, of Furruckuggur and Calcutta, Banker and Merchant.

LALLAH MOOLCHUND CHOWDRY, of Furruckuggur, Banker.

LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.

LALLAH BARROOMULL, of Saharunpore, Zemindar.

PUNDIT SEETARAM, of Gwalior, Zemindar.

BRANCHES:

Delhi, Rewaree, Bhewanee, Lahore, Umritsur, Mooltan, Rawal Pindee, Peshawur, Jumboo, Cashmere, Agra, Gwalior, Allyghur, Meerut, Saharunpore, Furruckabad, Cawnpore, Lucknow, Benares, Mirzapore, Bombay, Hyderabad, Ahmedabad, Nagpore, Indore, Jeypore, Joudpore, Ajmeer, Kurrachee, and Roribhuckur.

DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demnad, if not less than Rs. 500 and not more than Rs. 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3 months' notice,		3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDRY,
Managing Director and Secretary.

FOR SALE.

	Per Copy. Rs.	A
Selections from the Records of Government, N. W. P., Part 40	1	0
„ 41	1	0
„ 42	1	0
„ 43	1	8
Report on the Progress of Education, N. W. P., for 1862-63 ...	2	0
Ditto ditto for 1864-65 ..	2	8
Report of Sudder Dewanny Adawlut, N. W. P., for 1863	3	0
Ditto ditto for 1864 ...	3	0
Report of Nizamut Adawlut, N. W. P., for 1863	2	0
Ditto ditto for 1864 ..	2	0
Annual Report of the condition and management of the Jails in the N. W. P., for 1863	3	0
Ditto ditto for 1864 ...	3	0
Report on Police Administration, N. W. P., for 1864	1	8
Report by Board of Revenue on the Revenue Administration, N. W. P., for 1863-64...	5	0
Return showing the operations of the Income Tax Act, N. W. P., for 1862 .	0	8

Apply to

O. T. CUTTER,
Military Orphan Press.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 6.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, FEBRUARY 10, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 2nd February 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

The Hon'ble George Ross.

The Hon'ble MR. ROSS took the oath of allegiance, and the oath that he would faithfully discharge the duties of his office.

ASSAM COMPANY'S BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company), said that the necessity for passing this Bill, which he hoped the Council would regard simply as a formal matter, had been imposed on them by the British Parliament. The Assam Tea Company was originally incorporated by an Act of the Indian Legislature, Act IV of 1855. But in the last Session of Parliament, in consequence, as Mr. Maine supposed, of the shares of the Company being now largely held in England, the Company applied to the English Parliament for an Act of incorporation, which contained this Clause :—

"This Act shall commence and have effect on and after the expiration of two months next after the day of the passing by the Legislative Council of the Governor-General of India of an Act repealing the Society's Act."

He did not suppose that the Council would have any objection to repeal the old Act, which was now quite useless. But the meaning of the Clause in the Act of Parliament was rather ambiguous. Mr. Maine thought it could hardly have been meant that the Company was to be left for two months without any organization, and he imagined he would best carry out the intention of Parliament by repealing the existing Act, but declaring that the incorporation, powers, rights and liabilities of the Company should continue for a period of two months after the passing of this Act as if the repealing Act had not been passed.

The Motion was put and agreed to.

OUDE LIMITATION BILL.

The Hon'ble MR. MUIR, in moving for leave to introduce a Bill to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province, said that he would state briefly the necessity for the Bill, and the nature of the rules it was proposed to enact.

The rules for limitation now in force in the Revenue Courts of Oude, were the same as those

in force in the Presidency of Bengal at the time the Province was annexed. In other words, it was the old Regulation Law, under which, in ordinary suits for land, the limitation was twelve years; under certain circumstances of fraud and force, the limitation was sixty years; and for suits to redeem land in possession of the mortgagee, there was no limit whatever.

The first part of the Bill related to ordinary suits for land. In these, as before explained, the existing limitation was twelve years from the date of institution of the suit. But, referring to the events which had of late occurred in Oude, he (Mr. Muir) would show that the period of twelve years from the date of institution was of an entirely exceptional character, and was daily becoming more so. For a suit instituted in the present year, twelve years would take us back to 1854, that is, nearly to the close of the Native administration. In 1856, on our annexation of the Province, a summary settlement was made with the village zemindars; then followed 1857 and 1858 when possession was rudely disturbed by rebellion and anarchy; and on our re-assumption of the Province, a summary settlement was, in 1858, made on principles widely different from the previous settlement of 1856. Claimants disputing the title of persons admitted to the last summary settlement, had ordinarily been referred to the regular settlement which is now in progress.

Such being the exceptional character of the last twelve years, it was proposed to make the period of limitation count back twelve years from the annexation of the Province, that is, it would run back to the 13th February 1844. No suit would be barred on the plea of limitation if the cause of action arose subsequent to that date. This was the same limitation as that provided in Act XVI of 1865 for claims relating to sub-tenures; and there was an advantage in having the rule uniform.

The second change proposed to be made in the law related to the redemption of mortgages. As the law now stood, there was, as he had before stated, absolutely no limitation, whatever period might have elapsed since the mortgage was executed, however long the mortgagee might have been in possession, or whatever changes might have occurred in the mean time. Mr. Wingfield had long ago pointed out that this state of the law was entirely inapplicable to Oude, where the frequent change of possession, and the insecurity of property, and the confusion of the times rendered it difficult to prove any mortgage that was not of recent date. The Chief Commissioner had accordingly, in 1860, reduced the period of limitation to twelve years; but his circular orders to that effect not having been confirmed by the Supreme Government at the time of the passing of the Councils' Act, were now found to possess no force of law.

Under these circumstances it had been deemed expedient to propose the same limitation to suits for redemption of mortgage as had been proposed for ordinary suits; and the Bill would accordingly provide that no suit would lie for redemption of any mortgage executed before the 13th February 1844. Thus the term of limitation would be uniform in all suits in the Revenue Courts relating to land, which Mr. Muir thought would be admitted to be a suitable arrangement.

Before the Bill was introduced, it would be forwarded to the Chief Commissioner in order that the Council might have the benefit of his opinion on its provisions.

The Motion was put and agreed to.

EXECUTION OF PROCESS (STRAITS' SETTLEMENT) BILL.

The Hon'ble MR. MAINE moved that the Select Committee on the Bill to extend Act XXIII of 1840 (for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by Authorities in the Mofussil) be re-constituted. He said that the notice of motion hardly gave a proper idea of what the Bill was. It really was a Bill to enable the execution of the process of the Courts of Burmah to be effected in the Straits' Settlement. It was an old Bill, originally introduced by the Hon'ble Mr. Forbes. It had lain over like many other Bills relating to the Straits' Settlement, because the disannexation of the Settlement seemed to be close at hand. The Government of the Settlement now wished the Bill to be passed. At present, no Member of the Council of the Governor-General, except himself, was on the Committee, and it was therefore necessary to re-constitute it.

The Motion was put and agreed to.

SUNDRY BILLS.

The Hon'ble MR. MAINE also moved that the Hon'ble Mr. ROSS be added to the Select Committees on the following Bills:—

For consolidating and amending the laws relating to the Procedure of the Courts of Civil Judicature in British India.

For the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office.

To amend Act No. XVIII of 1854 (relating to Railways in India).

To amend the law of Partnership in India.

For the incorporation, regulation, and winding up of Trading Companies and other Associations.

To provide a summary procedure on Bills of Exchange, and to amend in certain respects the Commercial law of British India.

With regard to the first of these Committees, Mr. Maine observed that it was a Committee on Mr. Harington's amended Code of Civil Procedure. The Committee had already presented its Report. But the Secretary of State had requested that the Council should not proceed further with the Bill until he and the Members of the Indian Law Commission should have had time fully to consider the proposed measure.

The Hon'ble MR. GREY said that he would take the opportunity of this motion to mention that it was improbable that the Select Committee on the Post Office Bill would be in a position to submit their report within the period mentioned in the order directing the reference of the Bill to the Committee. The reason was that the Governor-General had considered it desirable to call for information on a point which had been raised since the publication of the Bill. He referred to the proposal emanating originally from the Trades' Association, to reduce by one-half the postage on all letters exceeding a quarter tolah in weight. There

considerable immediate loss of revenue, and therefore was no doubt that such a measure would involve a the question necessarily arose whether the measure was one which, in the general interests of the people of India, the Government ought to adopt, notwithstanding the immediate loss of revenue which it entailed. This question turned mainly on the point whether the measure would be likely to lead to considerable extension of correspondence, and thus, to the great benefit of the people, enlarge the area of postal usefulness. The Director General of the Post Office, an Officer of very great experience, was of opinion that the measure would not have such an effect, because he held—and no doubt as a general proposition rightly held—that the extension of correspondence depended mainly on the minimum rate of charge for which a letter could be carried from one place to another.

He might mention too that the Post Office Commissioners, on whose elaborate report the present postal system was established, had expressed a clear opinion that the quarter tolah unit of weight, which was originally adopted, he might observe, as far back as 1839, was quite sufficient to meet the wants of the Native public. It was, however, now stated in some quarters that this low unit of weight did practically affect the extent of Native correspondence, because (it was said) there was no means out of large towns of obtaining the description of paper which was rendered necessary by that unit. This was a statement which merited the most careful consideration and enquiry, and His Excellency had accordingly directed that information on the point should be collected.

As the general provisions of the Bill were not of an urgent character, (the main object of the Bill which was prepared by the head of the Post Office Department having been, he might remark, simply to re-enact the existing law, adapting its provisions to the circumstances of the present time with some re-arrangement of details, and with the addition of one or two provisions which the Director General considered it desirable to introduce for the better practical working of the Department and for the greater security of the public) it might perhaps be as well that the Bill should lie over until a decision could be come to on the really important point that had been raised since the Bill was placed before the public.

Mr Grey added that the Government was also in correspondence with the Director General of the Post Office regarding certain proposals made by that Officer affecting the rates of postage and the scales of weight for newspapers, books and parcels

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill to extend Act XXIII of 1840 (for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by Authorities in the Mofussil)—The Hon'ble Colonel Durand, the Hon'ble Messrs. Muir and Gordon and the Mover.

The Council adjourned till the 9th February.

Whitley Stokes,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

Calcutta,
The 2nd February 1866.

FOREIGN DEPARTMENT.

Report on the Trade and Resources of the Central Provinces for 1864-65.

Minute by the Chief Commissioner of the Central Provinces, dated Nagpore, 19th December 1865.

When last year presenting the statistics of the trade of the Central Provinces for the year ending with June 1864, I explained briefly the mode of obtaining the statistics, the several routes of traffic, the resources of the country, the chief articles of import and export, and lastly, the trade of the principal towns. In the same order of general headings, I propose to offer a few additional remarks for the year ending with June 1865, together with the statistical tables for that year.

Section I.—Mode of obtaining the Statistics and of compiling the Statements.

The plan of registering Trade Statistics.

Under this head it is not necessary to say much, save that the arrangements detailed in my last Report remain precisely the same, only more perfected. That is to say, the whole territory of the Central Provinces has been divided into three Circles, corresponding with the geographical features and other peculiarities of the country. *Firstly*, there is the "Northern Circle," comprising the tract known as the Saugor and Nerbudda Territories, with Nimar on its westernmost extremity, and divided from the other Circles by the Sautpoora Range of Hills on its south and east; *secondly*, there is the "Southern Circle," comprising the valleys of the Wurdah and Wyn Gunga, known as the Nagpore Country Proper; and *thirdly*, there is the plateau of Chutteesgurh, with Sumbulpore on the extreme east abutting on the Mahanuddy, the whole being denominated the "Eastern Circle." Then, if we leave out of view the interior lines where the three Circles run conterminous with one another, we have the exterior, or "Boundary Circle" of the Central Provinces.

This arrangement, with registering Clerks posted at all the passes and highways crossing the frontier lines of the three Circles, enables us either to take count of, and compare the exterior trade of each Circle separately (Appendices I, II, and III,) or the exterior trade of all three Circles taken as one grand Circle (Appendix IV).

The Town Trade.

The Trade at Fairs.

Then the interior traffic of the country may be further gauged by what is registered at the principal towns and marts by the Octroi farmers (Appendix V), and by the statistics of the business done at the Fairs held periodically in all parts of the country (Appendix VI).

By the above plan of registering the exterior and interior traffic of the country, it has not been attempted to do more than obtain an estimate of the trade—not perfect indeed, but sufficiently accurate for all practical purposes to which such statistics are applicable. For instance, the Native Writers are not allowed to stop or interfere with the traffic, but merely to count the number of bales, the number of cart-loads or bullock-loads, &c., of the goods passing their posts inwards and

outwards, ascertain their description and value, and register accordingly. This information is collated monthly, and submitted by Deputy Commissioners for inspection to the Chief Commissioner's Secretariat, where it is tested by such collateral evidence as can be brought to bear on the Returns:—thus the margin of error, which must still necessarily exist, is reduced to the smallest proportions, and the result at the close of the year is as accurate and reliable as it can well be made.

On this, as on the former occasion, I have to add that there has been no reason whatever to apprehend that the Statistic Writers have caused any oppression or any annoyance to the traffic, or that the traders and carriers have been at all troubled by the registration.

SECTION II.—THE ROUTES OF TRAFFIC.

These were generally sketched in my last Report. This year I attach a Map showing all the main and branch traffic routes within the Central Provinces, divided into the three Circles already mentioned. But, as the character of some of these lines is improving yearly, it may prove of interest if I add a few remarks on them, as they now are, or shortly will be.

The Great Northern Road from Mirzapore.

First in importance is the road which enters these Provinces at the Kutra Pass from Mirzapore on the north, and after passing through Jubbulpore, Seonee, and Kamptee, reaches Nagpore,—a total length of 363 miles. It is bridged and metalled almost throughout. The three largest rivers on this route are, however, as yet unbridged; viz., the Nerbudda River at Jubbulpore, the Hirun north of Jubbulpore, and the Kunhan at Kamptee. The last-named is to have a bridge of 12 arches of 50 feet span.

Its continuation westward towards Bombay, and southward towards the Madras Presidency.

From Nagpore this road branches off towards Bombay on the west, and the Madras Presidency on the south. The former branch, 65 miles in length, runs almost parallel with the Great Indian Peninsula Railway till it touches the frontier at Nachengaon on the River Wurdah. The first 30 miles are bridged and metalled. The latter branch, running for 97 miles to Chanda, has 55 miles already metalled and almost entirely bridged. From Chanda this branch will be carried on till it reaches the point whence the future navigation on the Godavery is to commence.

Character of the Northern Road in the Jubbulpore District.

Mr. Charles Grant, the Deputy Commissioner of Jubbulpore, writes, regarding that part of this road lying within his District, that "it is, as is well known, a magnificent road, both in point of construction and in natural beauty; forming, as it does, a rich avenue through a picturesque and fertile country. There are at regular intervals Travellers' Bungalows, Police-stations, Rest-houses, or Caravanserais, and encamping grounds planted with young trees. The supply of water all through is ample * * *. All kinds of carriage find an easy way over this well-engineered line, which, running for the greater part of its course through a more or less undulating country, yet preserves almost uniformly level gradients. In fact, after the Ganges Valley is left by two successive steps,—the last, a work of some magnitude,—the level of the road is rarely, if ever, broken, except by river beds and there can be little doubt that, when communication is rendered entirely clear, the road will hold its own,—notwithstanding the completion of the Railway, as is even now the case,—with the crowded thoroughfares of Northern India."

In the Seonee District.

This same description may be applied to the continuation of the line by the new road from Jubbulpore to Nagpore. This road, when completed, will be even finer and more interesting than that last described. It is carried at great expense and with much engineering skill right across the Sautpoora Range of Hills. These hills present a mass of ridges and of plateaux with a total width of 90 miles, and an average height of more than 2,000 feet above the sea and of 1,000 feet above the plains of Central India. This road also has Rest-houses, water-supply, encamping grounds, and Police-stations at proper intervals. As soon as the road shall be entirely bridged and metalled, which it soon will be, there can be no doubt, as Mr. Malcolm Low, the Deputy Commissioner of Nagpore, relates, "that the country carts on this line will disappear altogether, and that the traders will immediately adopt a form of conveyance taking four times the bulk that can be carried by a Mahratta Cart with the same draught."

This road from Jubbulpore to Nagpore is one which will fully retain its importance, even after the Railways shall have been opened. It is difficult to say how exactly it will affect the through trade to either Nagpore or Jubbulpore,—from Mirzapore and Central India on the one hand, and from Bombay, Berar, and the Madras Presidency on the other. But for the intermediate tracts, the road connecting two such important places as Nagpore and Jubbulpore will continue to be of vital importance. There are extensive fields of rice and wheat and timber-bearing forests lying right and left of its course. It will bring all this produce to the Railway termini at Jubbulpore and Nagpore, taking back what the Railway will bring in exchange.

Character of the Southern Road.

For the continuations of this Trunk Line west and south of Nagpore, a glance at the Map will show that, while they have hitherto borne the character of main arteries of traffic, they will, on the completion of the Railway next year up to Nagpore, become "*Railway feeders*;" and, as such, will be very important. This is more true of the western branches than of the southern branch. The former all converge on the Railway. But while the latter will also, for years to come, draw all the produce of southern Nagpore, and Wurdah, and of the whole of Chanda, to the Railway, yet it will, on the opening of the navigation of the Godavery, carry some of the bulkier articles of traffic towards the river. The extent to which this will probably affect the flow of trade to the sea-board on the Western and Eastern Coasts, has been discussed in my printed Report on the Godavery (1863), and need not be again treated of here. Meanwhile, the works on this Southern Line are being rapidly advanced. In contrast with the Northern Line, of which it is a continuation, it is thus described by Colonel Maxwell, the Chief Engineer:—

"The Northern and Southern Roads are very different in their conditions, and may be said to be

the antithesis of each other. One runs over undulating ground and plateaux, the other passes over plains of unknown fertility: while the one is ever and anon hindered and checked in its course by impetuous streams, the other pursues its way with little hinderance." Up to the close of last year the expenditure on it has amounted to Rs. 6,31,440.

Character of the Western Road.

Again, to quote from Mr Low's Report in respect of these Western and Southern Lines: "They are all efficiently protected by Police; there being on an average on each of them an out-post or Station-house every 12 miles. They are, all of them, well provided with wells and tanks; and though there are no public Caravanserais yet finished, still, several well-known halting grounds are well supplied with grainsellers' shops, and necessaries required by wayfarers, both men and beast. A good Caravenserai, however, is being built at Boree, which will be ready long before the Railway comes up; and I am about to recommend the erection of another at Khondalee on the Bishnoor Line." There are Rest-houses at proper intervals. In the Wurdah District, again, there are Caravanserais either projected or under construction, at no less than seven staging places. The supply of water is, or will be, everywhere sufficient; and the Police protection is efficient throughout.

The Great Eastern Road.

I will now pass to the consideration of the next road of importance denominated in the Department of Public Works the "Great Eastern Road." Starting from Nagpore in an easterly direction, it passes through the plains of Nagpore and the valley of the River Wyn Gunga. Then crossing a belt of wild country, it enters the open plains of Chutteesgurh. Then, again, passing through hills and forests, it reaches Sumbulpore on the banks of the Mahanuddy, distant 350 miles from Nagpore. From Sumbulpore, it runs along the banks of the river, viâ Binka, till, arriving at Sonepore, on the extreme eastern frontier of the Central Provinces, it throws off a branch, viâ Boad and Kuntaloo, to Cuttack in Orissa, and another, viâ Russelcondah and Goomsoor, to Ganjam on the Eastern Coast in the Madras Presidency.

To quote from the last Progress Report of the Chief Engineer:—"Of the first 91 miles of this Road from Nagpore, 52⅛th are finished in respect of metalling. It is probable that all but the last 20 miles will be finished during 1865-66. Of the 248 miles beyond the track followed by travellers is a fair one during the dry season,—many of the minor streams are crossed by temporary bridges. The tracks from Sumbulpore, Cuttack, and Calcutta have been repaired, and put generally in good order."

Its character in the Nagpore District.

This Road, from its starting point at Nagpore, is thus reported of by Mr. Low, the Deputy Commissioner:—"The traffic from the Chutteesgurh country and from Bhundara flows into the district by two main lines. The *first*, viâ Bhundara (on the Wyn Gunga) along the new Great Eastern Road. The metalling on this line is completed. This is the direct route to Raepore. The *second* comes through Khyragurh in Chutteesgurh, and traversing the northern portion of the Wyn Gunga Valley, enters this district and so reaches Kamptee. The importance of this route is hardly second to that of the 'Great Eastern Road.' Besides bringing in a very large portion of the Chutteesgurh grain, it connects with Nagpore and Kamptee the important agricultural and cloth marts of Toomsur and Moharee in the Bhundara District. It is along this route that the light Tramway connecting Kamptee with Raepore is contemplated.

"The halting stages are well known, and there is no lack of grainsellers' shops. Water and wells are plentiful. From November to the end of June, both lines are crowded with carts and pack-bullocks."

In the Bhundara District.

In the Bhundara District, these roads are thus referred to by the District Officer Captain Newmarch:—"They are all in good order as fair-weather roads. The carriage is chiefly carts and pack-bullocks. The opening of the Railway will, undoubtedly, greatly increase the traffic from Chutteesgurh, though it will not cause any new routes to be opened. There is no want of tanks and wells, and a few Caravanserais have already been established; more are required, however, and they will be constructed by degrees. Police posts at intervals occur along all the main lines of traffic, and most of the roads are patrolled daily." There are Rest-houses for Europeans at proper intervals.

In the Raepore District.

In Chutteesgurh these routes, with their continuation eastward to Sumbulpore, are passable for carts. The District Officer Captain Fenton writes:—"I dare say carts could get along at the fairest season of the year; but bullocks are usually employed. There are no Rest-houses along any of the routes as yet; but a large Caravanserai has been built at Raepore itself, and another is in course of construction at Droog, 24 miles westward on the 'Great Eastern Road.' Wells are at present few, and far between, throughout Chutteesgurh (as the country-people chiefly use tanks), but they are about to be built every ten miles along the 'Great Eastern Road.' Police protection is fully provided for, and crimes against person or property are of rare occurrence."

In the Sumbulpore District.

From Sumbulpore, viâ Sonepore, to Ganjam, the country is one of the wildest in India. The District Officer Captain Cumberlege thus writes:—"The route is available for country carts for six months in the year, but the greater part of the traffic is carried on pack-bullocks. There are three roughly-constructed thatched Rest-houses at Sonepore, Binka, and Dhama. I do not believe that there is a single well along the whole line; but, except in seasons of great drought, water is plentiful in the tanks. This route is much used by importers of salt, tobacco, and fine cloths of Native manufacture, and spices; it is also used by the Native troops marching to Raepore and Kamptee from the Northern Division of the Madras Presidency. The exports by this route consist of cotton, rice, wheat, other edible grains, oilseeds, lac, and a few miscellaneous articles."

About the other branch, from Sonepore to Cuttack, viâ Boad and Kuntaloo, the same Officer writes that it "was constructed principally with a view to facilitate the traffic in cotton; but most of the cotton is exported by water to Cuttack,—the

river route being preferred, as being cheaper and more expeditious. Travellers from Ganjam sometimes strike into this route at Kuntaloo, so that they have the advantage of it for a considerable distance. There are good Rest-houses at convenient distances all the way from Cuttack to Boad. This road is principally used by Bunjara carriers, who take cotton, grain, &c., and return with salt. By the direct route from Sumbulpore to Cuttack, viâ Rehracole and Ungool, a great quantity of salt intended for Chota Nagpore passes through the Bamra Zemindaree. Troops occasionally march by this route, as it is shorter, by some 30 miles, than the route viâ Boad and Sonepore, but the water-supply is scanty, and the country, generally, inhospitable and devoid of provisions. There is a roughly-constructed bungalow at Rehracole, some 40 miles from Sumbulpore. By the route from Sumbulpore to Chota Nagpore a considerable quantity of salt, imported from the Coast, passes through Sumbulpore for Chota Nagpore. Lac and cotton is exported, and tobacco and oilseeds received in exchange. There are no Rest-houses or other conveniences for travellers, and the country, generally, is wild and jungly. But the principal outlet of the trade from Sumbulpore is the river Mahanuddy, which monopolizes two-thirds of the traffic of all kinds between Sumbulpore and the Coast."

The Road from Bombay through Nimar to Indore.

Having thus described the "Northern Road" with its continuation south and west of Nagpore, and the "Great Eastern Road" with its branches to the Coast beyond Sumbulpore, the third, and next most important road is that which enters these Provinces from Bombay, through Kandeish at Boorhanpore, in close company with the Railway Line from Bhosawul. The road and the Rail from this point run parallel with each other till, reaching the neighbourhood of Khundwa, the Head-quarters of the Deputy Commissioner of Nimar, the road turns in a north-westerly direction, viâ Burwai, to Indore, where it joins the great Bombay and Agra Trunk Road: whilst the Rail runs in a north-easterly direction, viâ Hurda, Hoshungabad, and Nursingpore, to Jubbulpore, where it is to join the East Indian Railway Line from Allahabad. This road, from Khundwa to Indore, will draw all the traffic from Indore and Central India away from the old Bombay and Agra Road south of Indore; Khundwa being, on the opening of the Railway to that place, which is shortly to be expected, the nearest point where the extensive traffic in question could reach the Railway for transport to Bombay. This road is well known, and is in as good condition now as it was when partially made some years ago. Except for a small space about Sunnawad, belonging to His Highness the Maharajah Holkar, the whole Line lies in British territory; and though that Section of it which lies within the Central Provinces is only 70 miles long, this Line will be second to none as an important Railway feeder; benefitting, however, the Malwa country more than the Central Provinces. Along this road there are halting grounds, with all ordinary accommodation for travellers.

The Road between Jubbulpore and Saugor.

The next road deserving special mention is that connecting the large military station and town of Saugor with Jubbulpore viâ Dumoh, running over a distance of 68 miles. This road, and the suspension bridge over the Beos River near Saugor has been recently repaired. The Deputy Commissioner of Jubbulpore, Mr. C. Grant, thus writes:—"Some of the produce of Malwa and Bundlekhund takes this course, and there is a good deal of trade between Jubbulpore and Saugor. The traffic will be increased on the opening of the Railway, as Saugor already draws part of its foreign supplies from Mirzapore viâ Jubbulpore. There is good accommodation and Police protection along this Road."

The other Roads.

It would be tedious to describe specifically all the other routes in these Provinces, though some of them are destined to play an important part in the future commercial annals of the country. Such, for instance, as the Godavery and Mahanuddy River routes, just now comparatively inactive, but capable of being made, some years hence, busy thoroughfares of traffic; the roads to and from the Eastern Coast; the road from Chutteesgurh, through the virgin tracts of Mundla to Jubbulpore; the long Bunjarra Road from Chutteesgurh, through the great wilderness, to Seroncha on the Godavery; and many others.

Expenditure on Roads.

On all the Lines described above in this Report, the expenditure from Imperial funds during the year 1864-65 was about Rs. 14,50,000 (£145,000); and larger grants are hardly to be expected. This expenditure is supplemented from local funds to the extent of Rs. 2,00,000 (£20,000) per annum. It is all that can be afforded with due regard to other Public Works.

SECTION III.—RESOURCES OF THE COUNTRY.

To the description given in my last Report of the resources and capabilities of the Central Provinces, viewed separately for the three Trade Circles, the following additional particulars, culled from local reports, and verified generally by my own knowledge, may prove interesting. Though the country is not exactly rich in agricultural wealth, and not famous for manufacturing industry, yet it has many kinds of resources and some manufactures.

First, then, are the ten districts of the Northern Circle. For facility of description, these districts will be viewed in three groups; first, those on the Sautpoora Range of Mountains; second, those stretching out to the north towards Malwa and Bundlekund from the Nerbudda; and thirdly, those lying in the valley of the Nerbudda Proper.

The districts of the first range are Mundla, Seonee, Chindwara, and Baitool. Their characteristics are essentially those pertaining to hilly countries. Elevated in places along its higher ridges, from 5,000 feet to a mean of 3,000 feet above the level of the sea, and in its lower ridges, averaging 2,000 feet, this Sautpoora Range has a climate cool in the hot season. Though many parts are at times insalubrious, there are selected spots and stations of proved salubrity. Some part might even, perhaps, be suited to European colonization, and might be found to possess the conditions of soil, rain-fall, and temperature necessary to the cultivation of the Cinchona, of tea, and of coffee. Experiments are being conducted in these and other exotics in the plantations under the supervision of the Forest Department. The projected Sanatarium in the neighbourhood of Chind-

wara is on this range, situated a little below the Puchmurri or Mahadewa Hills, which here consist of an almost unique mass of sandstone, cropping up in the midst of the trap formations; presenting in places vertical escarpments, with clear rock faces many hundred feet high.

Mundla,* at the head of the group, in former days the seat of aboriginal Gond dynasties, is famous for the manufacture of a kind of bell-metal. Forest produce, in lac, in honey, in wax, is plentifully gathered and exported. Timber of superior kinds is floated down the Nerbudda to Jubbulpore annually in considerable quantities. Large herds of cattle from the neighbouring districts feed here on the extensive grass lands, which keep green and fresh in the hottest and driest months of the year.

* Area 5,629 square miles. Population, 134,100. Population per square mile, 27.

Then Seonee,* on the south-west, is equally rich in forest produce. In the southern parts of the district, which are extremely wild and wooded, the timber in parts is very fine. Some of the best wheat in the country is grown near Seonee; and excellent rice along the base of the Sautpoora Range, where the rain-water from the mountains is stored in countless reservoirs for irrigation. At Khowasa, in the midst of the forest, leather is beautifully tanned, but not to any great extent. Iron-ore is abundant at the foot of the hills; in one valley there are numerous mines worked by the Native method.

* Area 4,567 square miles. Population, 354,100 souls. Population per square mile, 78.

Chindwara,* on the west of Seonee, has some good cultivation in places; it grows sugar-cane, potatoes, and some opium. Fine timber is cut in many places, and timber of inferior kinds is floated down the Kunhan to the market at Kamptee. Forest produce is abundant. A superior description of cattle is bred in the wide uplands of Kamharpanee, where pasture is plentiful It is estimated that there are some ten thousand cows of good size in the possession of breeders here. The coal field at Burkoee has been worked to some extent; but negotiations are progressing for working the mines by a European firm, and connecting them by a Tramway with the Railway at Nagpore, from which it is distant about 92 miles.

* Area 5,002 square miles. Population, 242,800 souls. Population per square mile, 49.

And lastly, the Baitool* District is of much the same character as Seonee and Chindwara, but its timber resources are even greater, specially in the superior kinds. Lac and honey, and wax and silk cocoons, are gathered in the Forests for export. It grows opium to a larger extent than elsewhere in the Central Provinces, and the yield is exported to Indore, where it is mixed with the Malwa opium, and prepared for transport to Bombay.

* Area 3,353 square miles. Population, 219,700 souls. Population per square mile, 66.

The second group includes the districts of Jubbulpore, Dumoh, and Saugor. These are partly hilly, and partly open.

The Jubbulpore* District may be said to be essentially agricultural,—raising and exporting largely all the food grains. Opium is grown in the northern parts of the district. In the wilder parts of the district, Mohwa and Chironjee fruit, gum, wax, and other forest produce are gathered. There are 25 iron mines worked after the Native method. The lac-dye and shell-lac is manufactured at Jubbulpore by a European firm, and the export of the manufactured dye last year amounted to 4,012 maunds, valued at above one and a half lakh of Rupees (£15,000). A large quantity of pure and beautifully saccharine white limestone is found a few miles below Jubbulpore, where the River Nerbudda has cut a deep channel through the mass, for about a mile in length. The place is well known to all lovers of nature by the name of the "Marble Rocks." The Otaheite sugar-cane cultivated about Jubbulpore is superior to all the indigenous varieties; and efforts are being made to extend the cultivation of it to other districts. Jubbulpore is the depôt of the trade with Mirzapore.

* Area 3,648 square miles. Population, 435,500 souls. Population per square mile, 119.

The Dumoh* District is in many places well cultivated, yielding abundance of the food grains, oil-seeds, cotton, and other agricultural produce; the manufactures, on a small scale, consist of brass utensils, cloth, course paper, &c. The breed of cattle is inferior, but a cross with the breeds of Bundlekund and Hindustan has resulted in some success A few rams from Bundlekund have been imported for the experimental Sheep-farm at Dumoh. On the border of this district, at Gurrakota, there is the finest of all our plantations of Teak and other valuable Forest trees.

*Area 3,038 square miles. Population, 232,500 souls. Population per square mile, 77.

The Saugor* District lies to the north-west of Dumoh. It is in parts well cultivated, and exports grain into the neighbouring Native States, with which it is surrounded on three sides. The town of Saugor is the *entrepôt* of the Salt trade with Rajpootana. There is some fine sandstone quarried about Saugor. The breed of cattle is poor, but some bulls from the Hissar cattle farms and from Mysore in the Madras Presidency have been imported for crossing with the indigenous breeds.

*Area 3,929 square miles. Population, 522,700 souls. Population per square mile, 133.

The third group includes the districts of Nursingpore, Hoshungabad, and Nimar.

The district of Nursingpore,* in the heart of the Nerbudda Valley, is an agricultural district, growing all the cereals and cotton. The area under cotton last year was about 100,000 acres. This district also yields coal and iron. The mines of Tendookhera have ore of good quality. The suspension bridge near Saugor was entirely constructed with iron from these mines. The Nerbudda Coal and Iron Company have the lease of these mines. This Company also work the coal mines at Mohapanee, only 10 miles from the Railway Line, which runs through the district from west to east. Bell-metal and brass utensils made in this district are much esteemed.

*Area 1,916 square miles. Population, 328,000 souls. Population per square mile, 171.

The district of Hoshungabad* is mainly an agricultural district. It is famous for its rich and abundant cultivation of all the cereals,—the area under wheat alone being above 450,000 acres, yielding

*Area 3,069 square miles. Population, 379,000 souls. Population per square mile, 124.

nearly three millions of maunds annually. This wheat, of the white description, won the first prize at the late Lucknow Exhibition, and attracted the attention of the large Talookdars of Oudh. The raw silk contributed by the hilly borders of this district also won the second prize at that Exhibition.

The district of Nimar* is remarkable for its gold and silver embroidered cloth for Native wear, manufactured at Boorhanpore. That manufacture was first established, with certain privileges, under the Mahomedan Emperors. The iron mines at Burwai, on the Nerbudda, in this district are deserving of special mention. The abundance of the ore there some years ago attracted the attention of Major Keatinge, the Political Agent, and Government sanctioned the erection of a large substantially built foundry, with first-rate machinery, for working the mines; but the first experiment failed for want of skilled European supervision, and the work stopped. If such supervision should become available, there might be success. There is abundance of flux and of fuel in the neighbourhood, and there is hope that some day a further trial by private enterprise may prove remunerative.

*Area 3,807 square miles. Population, 192,100 souls. Population per square mile, 50.

I will next notice the Southern Trade Circle, comprising the districts of Nagpore, Wurdah, Chanda, and Bhundara, all situate to the south of the Sautpoora Range.

The district of Nagpore* is partly agricultural, partly manufacturing, and partly abounding in natural resources. The city of Nagpore and its environs were mentioned in my Minute of last year. The chief manufacture is that of cloth. This manufacture, as I said in my former Minute, is not in the hands of capitalists—in fact, the Factory system of European countries is unknown here. The Nagpore cloth manufactures enjoyed a large patronage during the existence of the Mahratta Court; and under British rule fell off at first. But it is now, in respect to quantity at least, in full vigour of production. This is owing partly to increased demand from other parts of India, where the cloths are becoming much esteemed, and partly to the general growth in wealth of the middle classes in the neighbourhood itself. It is a fact familiar to observation, that the people generally in this part of the country are well clothed. The manufacture is carried on at every large town and village in the district. There are above 20 large towns in which it predominates. Among these places Oomrair is the best known, by reason of the fitness of the water there procurable for fixing the different dyes of the silk employed in the embroidery of the cotton pieces. The fact was discovered many years ago, and it induced the more skilful weavers of the time to settle there. I myself attested the circumstance in company with Mr. Low, the District Officer. Isolated as Nagpore has always been from the more advanced parts of India, few persons would perhaps be prepared to find here the evidences of a long-established and now increasing industry with complex looms and skilful workmen. And the products of these looms are really good. They consist of silks entire; and of cotton cloth with silk borders. The silks are of all textures, and the dyes are brilliant and firm. The silk fabrics of Oomrair and Nagpore were awarded prizes at the Lucknow Exhibition.

*Area 3,746 square miles. Population, 945,600 souls. Population per square mile, 252.

The manufacture of iron, brass, and copper in Nagpore is more extensive than remarkable, though some fine specimens are to be met with. There are skilful workers in metals in the city of Nagpore; among whom "Boput," a Mahratta, has earned for himself a local celebrity. He was awarded the 2nd prize for cutlery at the Lucknow Exhibition.

Then building-stone of every variety is plentiful. A beautifully streaked marble is quarried at Korrarie, a few miles from Nagpore. The black basalt quarry at Nagpore itself is very rich. It has supplied material for the masonry embankments of the numerous tanks and reservoirs within a radius of many miles of Nagpore, for the old Palace, and many of the Town buildings. The Arsenal and Fort, the Railway Station, and bridges are all built of this stone. This is considered one of the best quarries for building-stone on the whole line of the Railway. Sandstone of every tint and hue is found in many parts of the district. This stone, from its more workable qualities, is much prized by the people for domestic architecture, and for the ornamentation of temple structures. Some of these latter structures, of even recent times, exhibit fine specimens of carving and design, and fully maintain the reputation of the local artizans.

The carvers in wood have always been good at Nagpore. The traces of their handywork, in even elaborate matters, are conspicuous everywhere. Wood enters very largely into the construction of Native dwelling-houses, and the people are fond of minute tracery. Some specimens of this carving might almost be termed works of Art.

The agriculture of Nagpore comprises all the usual products. The market gardening is perhaps remarkable. It is carried on, not only near towns, but also in many villages of the interior. Irrigation by wells is usually adopted. At one large village, which though twenty miles distant, largely supplies the Nagpore markets; there are upwards of 400 wells at work in the vegetable gardens. The Arrowroot, the Mustard seed, the Turmeric, the Castor seed, the Linseed, the Oilseed, the Tobacco, the Hemp, and the Aloe fibre of the Nagpore District, were all awarded prizes at the Lucknow Exhibition.

The breeding of cattle in this district is deserving of special mention. It is carried on, not only by graziers, but also on the estates of many of the Native aristocracy and gentry. One Native Gentleman possesses as many as two thousand brood cows of good breed.

The Wurdah* District, in the valley of the river of that name, is an agricultural district. It is eminently the cotton-field of the Central Provinces. This cotton, named from Hingunghat, the chief local mart, is among the best of Indian products, and has obtained for itself even an English reputation. Experiments in the cultivation of the foreign descriptions are now being conducted in several places in this district under professional supervision.

* Area in square miles, 2,360. Population, 304,600 souls. Population per square mile, 129.

The Chanda* District is partly an agricultural district, and produces a small quantity of excellent cotton. It is also remarkable for its tanks and reservoirs for artificial irrigation. The works connected with this irrigation, such as the dams, the escapes, the sluices, the ducts, and channels, are creditable instances of Native skill. Its resources in wood and timber are great. It has tanneries and manufacturies of leather. It has every sort of stone, of all hues and colors, for use and for ornament. It has numerous iron mines worked by the country method. Some of its ore is supposed to be the best yet found in these Provinces.

* Area in square miles, 7,292. Population, 553,600 souls. Population per square mile, 76.

The Bhundara* District is chiefly agricultural, but is partly manufacturing. Its tanks for irrigation are numerous, some of them possessing the dimensions of Lakes. In the manufacture of cloth this district is only second to Nagpore; for at Pohnee and other towns the silk pieces turned out are really brilliant. The brass and pottery manufactured at the town of Bhundara itself are good; and one Mahratta artizan, named Deena Bapoo, has quite a local celebrity. The district has numerous iron mines. Gold in small particles is found in the bed of the river Wyn Gunga. On the borders there are fine belts of Forests. Of the trees, the most remarkable is the Bamboo; its canes grow to a great height, and will furnish poles for flagstaffs seventy feet high without joint or bend.

* Area in square miles, 5,945. Population, 711,100 souls. Population per square mile, 120.

The breed of cattle in both the districts last mentioned is small, but of good bone and power. There are some breeding farms in the wilder parts of the districts, where forage is plentiful. For the improvement of this breed, a few Mysore Bulls have recently been imported. Sheep are also bred in large numbers, though they are of a small kind.

And now I have only to notice the districts of the Eastern Trade Circle, viz., Raepore and Belaspore in Chutteesgurh, Sumbulpore on the Mahanuddy, and the Upper Godavery District.

The Raepore* District is for the most part an open, flat, agricultural district. It has no manufactures worth mentioning. Its borders yield the usual kinds of Forest produce.

* Area in square miles, 5,906. Population, 460,000 souls. Population per square mile, 78.

Exclusive of Zemindarees.

The Belaspore* District has much the same characteristic as Raepore, being mainly agricultural. On its northern border it has extensive Forests. Among these, wild Elephants are now being caught by establishments organized for that purpose.

* Area in square miles, 5,587. Population, 507,000 souls. Population per square mile, 91.

Exclusive of Zemindarees.

The Sumbulpore* District is partly agricultural. But its main products are those drawn from its abundant Forests. The Teak is found in places. The Saul and Ebony trees are literally countless. Here, too, the stick-lac is abundantly gathered and exported. Sericiculture, after a rude fashion, is largely carried on in these wilds by a particular class; and the manufacture of a rough, brown silk, called "Tussur," is peculiar to these parts. The specimen contributed to the Lucknow Exhibition was awarded a third prize, with a certificate of merit, "as the texture of the Cloth," writes Mr. J. Berrill, who was in charge of the contributions from these Provinces, "was much admired by many people, from whom I received numerous requisitions to be supplied with large quantities of it."

* Area in square miles, 11,406. Population, 296,100 souls. Population per square mile, 26.

Exclusive of Gurhjât States and Zemindarees.

Section IV.—The chief articles of Import and Export.

The actual trade of the year.

I will now pass on to the consideration of the actual trade of the year, as shown in the Returns appended. These give separately the trade of the three Circles already described, and separately the trade of the Grand Boundary, or Central Province Circle.

The trade of the Northern Circle.

The trade of the Northern Circle may be abstracted as follows:—

Imports.		Exports.		Total Imports and Exports.	
Tons.	Value.	Tons.	Value.	Tons.	Value.
49,568	Rs. 2,51,23,720 £2,512,372	56,371	Rs. 1,60,75,871 £1,607,587	1,05,909	Rs. 4,11,99,591 £4,119,959

Of this aggregate, the traffic with Northern India generally amounted to 61,321 tons, valued at Rs. 1,90,29,690 (£1,902,969); with Bombay and Western India generally to 22,286 tons, valued at Rs. 1,65,14,186 (£1,651,418); with Southern India, through the Southern Circle, to 19,030 tons, valued at Rs. 52,11,614 (£521,161); and the trade with the Eastern Circle to 3,272 tons, valued at Rs. 4,44,101 (£44,410). These figures show a large increase on the trade of the preceding year 1863-64. But a part is due to the inclusion in the Returns of the district of Nimar for the first time this year. The trade of this district only amounted to 7,642 tons, valued at Rs. 46,64,211 (£466,421). The grain export of the Circle generally rose from 8,392 tons in the year 1863-64 to 26,752 tons in the year 1864-65. In metals and hardware, dyes, English piece-goods, and other articles, there was an increase of business; while there was a decrease in exports of cotton, sugar, salt, and other items. Altogether, there has been a real increase, both in the imports and exports, but chiefly in the exports.

The trade of the Southern Circle.

Then the trade of the Southern Circle may be thus abstracted:—

Imports.		Exports.		Total Imports and Exports.	
Tons.	Value.	Tons.	Value.	Tons.	Value.
70,079	Rs. 1,38,67,089 £1,386,708	17,983	Rs. 1,23,72,923 £1,237,292	88,062	Rs. 2,62,40,006 £2,624,000

Of this trade, that with Bombay and Berar generally amounted to 31,841 tons, valued at Rs. 1,76,69,560 (£1,766,956); that with the Madras Presidency and Hyderabad (Deccan) on the south, amounted to 726 tons, valued at Rs. 2,27,296 (£22,729); that with the Eastern Coast Dis-

tricts, including that with the Eastern Trade Circle, to 31,443 tons, valued at Rs. 26,80,703 (£268,070); and that with Northern India, and the Northern Circle through which it would pass, to 24,052 tons, valued at Rs. 56,62,447 (£566,245). On the whole, there has been a considerable increase in imports, principally of salt, English piece-goods, and cocoanuts; while the exports have remained nearly the same as in the preceding year.

The trade of the Eastern Circle.

Again, the trade of the Eastern Circle may be thus abstracted:—

Imports.		Exports.		Total Imports and Exports.	
Tons.	Value.	Tons.	Value	Tons	Value.
9,100	Rs. 18,58,700 £185,870	56,832	Rs. 33,51,562 £335,156	65,932	Rs. 52,10,262 £521,026

Of this trade, that with the Eastern Coast Districts and the South-Western frontier States of Bengal amounted to 22,662 tons, valued at Rs. 19,39,748 (£193,975); that with the Southern Madras Presidency and Hyderabad amounted to 1,128 tons, valued at Rs. 92,063 (£9,206); that with Western India (coming through the Southern Trade Circle, and with that Circle itself) amounted to 30,145 tons, valued at Rs. 22,25,776 (£222,577); and that with Northern India direct, including the trade with the Northern Trade Circle, amounted to 11,997 tons, valued at Rs. 9,52,675 (£95,267).

On the whole, there has been a small increase in the imports, while there has been a considerable decrease in the exports. This is accounted for by the bad harvest of the year 1864-65 in these regions. The export of grain fell from 55,491 tons in the year 1863-64 to 37,006 in the year 1864-65.

The trade of the Central Provinces' Grand Boundary Circle.

From the Returns for the exterior boundary Circle of the Central Provinces, the trade of these Provinces with other parts of India may be thus abstracted:—

Imports.		Exports.		Total Imports and Exports.	
Tons.	Value.	Tons.	Value.	Tons.	Value.
68,751	Rs. 3,18,55,585 £3,185,553	77,771	Rs. 2,37,99,264 £2,379,926	1,46,522	Rs. 5,56,54,799 £5,565,480

Of this general aggregate, the trade with Northern India amounted to 66,579 tons, valued at Rs. 1,88,53,485 (£1,885,348); with Western India to 54,127 tons, valued at Rs. 3,41,83,754 (£3,418,375); with Southern India to 1,843 tons, valued at Rs. 3,19,359 (£31,936); and with the Eastern Coast Districts and parts of Bengal to 23,973 tons, valued at Rs 22,98,201 (£229,820).

This shows a large increase, both in imports and exports, compared with the year 1863-64. In the imports, the increase is principally under the heads Metals and Hard-ware, and English Piece-goods. In the exports it is to be found under Wheat, Dyes, Opium, and other headings. On the other hand, there are decreases under other headings; but the net result is an increase.

Adverting to the Cotton trade we find the exports, viz., 1,02,127 bales of 300 lbs. each, slightly in excess of the exports of the previous year. Almost the whole of this consisted of cotton grown within these Provinces,—as that brought this year from territory outside the Central Provinces only amounted to 11,479 bales; while the quantity brought in the year previous amounted to 34,911 bales. During the year prices in England fluctuated, from 24*d.* per lb. in July 1864 to 11*d.* in April 1865; while in India, in the Central Provinces, they were 13*d.* and 4*d.* for the corresponding periods. But the bulk of the year's crop had been bought up by the merchants before prices fell to the minimum of 4*d.* per lb. Thus the growers and farmers have suffered comparatively little by the fall. And they realized their full share of the profits accruing from the high prices ruling in the earlier part of the year up to December 1864, when it stood in England at 20*d.* per lb. These extreme fluctuations, however, following the course of events in another hemisphere, has alarmed the growers of the staple in these Provinces, and the area under cotton during the current year has consequently fallen some 15 per cent.

Intimately connected with the cotton trade is the import trade of European piece-goods. The imports of the year, viz., 4,796,672 lbs., valued at Rs. 56,86,495 (£568,649), show a large increase on the preceding year,—which, considering the general rise in prices for all kinds of piece-goods, is certainly remarkable. But inasmuch as the people of these Provinces have not been losers by disasters abroad in the cotton trade, and inasmuch as the prevailing demand for labor continued to be immense, and wages ranged at high rates, it is but natural to infer that the success attained in all the branches of industry has led to a really increased, and increasing, consumption of this important article. When remarking in my last Report on the extent of this trade, I pointed out that the imports viâ Mirzapore from the Calcutta markets had probably been overstated, while those from Bombay certainly had been understated. This has been verified by a more careful registration during the year under report, as will be seen by the following comparison:—

	Returns of 1863-64.	Returns of 1864-65.
	Rs.	Rs.
Imports from Mirzapore ...	37,13,353	22,29,436
Imports from Bombay ...	2,89,404	33,87,437
Imports from Eastern Coast ..	93,572	69,622
	40,96,329	56,86,495
	£409,633	£568,649

Now, if we deduct the through traffic, or re-export of English piece-goods, which amounted to about 12½ lakhs of Rupees (£125,000), the remainder would represent the real local consumption, and would, if compared with the total of the population, give an average of Rs. 1-12, or 3*s.* 6*d.* per head per annum. After making every allowance for the preference given by the working classes to the coarser and warmer Indian fabrics, it would appear that there is still much room for the expansion of the trade in English piece-goods; and with the decreased prices now ruling that expansion may certainly be calculated on.

Next in importance is the trade in the local cloth manufacture. In the Resources Section of this Minute, I have given an account of the extent and character of this manufacture, as it is carried on in all parts of these Provinces, but especially in the Nagpore District, at the towns of Oomreir, Nagpore, and Bhewapore. In this place, I have only to treat of the export *trade* in this article. During the year, then, the value of the exports for the whole Provinces amounted to Rs. 44,00,000 (£440,000); of which Rs. 34,35,000 (£343,500) worth went towards Berar and the Western Presidency; Rs. 9,40,000 (£94,000) worth towards Central India and Mirzapore; and Rs. 25,000 (£2,500) worth in other directions. In the previous year the exports stood at Rs. 25,00,000 (£250,000). A fair idea of the extent of the local trade, or that which is carried on within the Provinces, may be gained, if we add to this the probable local consumption of the fabric; but there are no certain statistics of this, and I propose not to deal with estimates in this Minute. The consumption must, however, be enormous. It will be seen, too, that there has been marked increase in the exports, as compared with the previous year. This feature of the Returns is encouraging. It is true that the increase has not been so great, as a mere comparison of the figures shows, for the price of cotton cloths of all descriptions had risen considerably during the previous year, and that checked the trade for a time. Still there has been some real increase.

Sugar was imported to the value of about 20 lakhs of rupees, and the quantity re-exported, with the exports of locally manufactured "Goor" (unrefined sugar), was valued at about 6 lakhs of rupees. There is some through traffic in this article from Mirzapore towards Berar. On the whole, there has been a little falling off both in the imports and exports of sugar, compared with the year previous.

The Salt imports, on the other hand, have increased by 27 per cent. compared with the year 1863-64, principally from the Coast,—both the Eastern, or Madras Coast, and the Concan, or West Coast; but the increase from the Madras Coast is not altogether real, the imports of the previous year having been to some extent understated in the Returns. On the other hand, there is a slight decrease of imports from Rajpootana. This change in the direction of the Salt trade with Rajpootana, will become more and more established as the Railway progresses towards Nagpore and Jubbulpore from Bombay; but it has yet to be ascertained whether the cheaper Railway-borne Salt from Bombay will find favor with the people of the Saugor and Nerbudda tracts, who now consume only the dearer and purer Rajpootana Salt. The probability is that it will. On the whole, this large net increase of salt importation cannot but be regarded as a happy proof of growing prosperity among the masses of the people.

The exports of grain show a considerable increase on the previous year, as much as 55 per cent.; that is, it amounted to 939,538 maunds in the year 1864-65, while it was 604,773 maunds in the year previous. The year's exports are valued at Rs. 21,51,327 (£215,133). The Wheat harvest was fair, on the whole, though it was by no means abundant, and perhaps not quite up to the average. The Rice crops failed over large tracts, for want of rain at the proper time; in some places, too, the Millet failed. Consequently, of rice and some other edible grains, there was a decrease in exportation. Still, there was a large net increase, which accrued almost entirely under the head of Wheat. The wheat trade is principally with North-Western and Central India. Here again, inasmuch as there was failure with some of the edible grains, the fact that the people could still afford to export a larger quantity of grain than ever to other countries, is a happy proof of growing industry and prosperity.

The cattle trade shows imports from Northern India generally of 22,921 head, from Berar 1,884 head, from the Deccan 1,944 head, and from the Eastern Coast District 254 head,—the whole amounting to 27,003 head, valued at Rs. 5,30,092 (£53,009). The exports amounted to 9,377 head, valued at Rs. 3,55,903 (£35,590). These were sent to Malwa and Gwalior in the north, and to Berar and Kandeish in the west.

Sheep, though extensively bred in some parts of the Central Provinces, have been imported to the extent of 57,233 head; some 9,669 head were exported.

For the other items of traffic, the statements are sufficient without further remark here.

But before quitting this head of the subject, I must explain what might otherwise appear extraordinary, namely, the fact of the Imports exceeding the Exports by about a million sterling in value. An examination of the statements, however, will show that there are entries under the head of Imports which, strictly speaking, do not really belong to the trade proper of the country. Such, for instance, as the entry in the Nimar Returns of 9,655 tons of Railway material, valued at £1,079,228, under "Metals and Hardware;" and about 2,222 tons of other "Miscellaneous" articles for the Railway, valued at £100,000. This being deducted, the real trade of the country would stand thus:—

Imports	£ 2,006,325
Exports	,, 2,379,926
Total ...	£4,386,251

or four and a half millions sterling nearly.

Still, even this would indicate a condition of prosperity greater even than that which the Central Provinces have really attained. It is to be remembered that a part of this prosperity is due to extraneous causes; for there are cantoned within these territories three large bodies of Military troops, European and Native, with a vast train of camp followers. These, though they cannot be producers, are yet excellent consumers, not only of the produce of the country, but of the imported produce of other parts of India and of European countries.

The difference between Imports and Exports, as shown above, amounts to £273,601. This balance would be made up by an import of bullion; that is, by as much as the non-producing community would consume of foreign imports for which they would pay in cash.

These bullion imports and cash exports are well known to exist to a large amount, and an *estimate* of them can always be obtained from the merchants. On other occasions, I have given such estimate. But this occasion is one, not for es-

timates, but for actual statistics. And I have to explain that these particular items of the trade are not registered. It would be difficult to obtain correct returns of them without a degree of inquisition, which could not be fairly or safely undertaken.

SECTION V.—THE TRADE OF THE PRINCIPAL TOWNS.

The trade of the principal Towns is given in Appendix V. The information continues to be furnished by the farmers of the Octroi Tax; and from the interest they have in depreciating the extent of the Town imports, these Returns continue to be not so reliable as could be wished. Moreover, the statistics furnished for the important towns of the Nagpore District are only for the last six months of the year, the Returns for the first half-year having been found incorrect. For the current year, the Contractors have entered into written engagements to furnish correct statistics of the Town trade, subject to penalties under Act XVIII of 1864, for neglect or infringement of such engagements.

Under these circumstances, any detailed criticism of the statistics now furnished is unnecessary. But some general estimate of the status of the several Towns in the list may be gained, by comparing the returns of their trade with Appendix VIII which gives the amount of Octroi levied in them during the year.

A table of Prices current will also be found in Appendix VII.

SECTION VI.—THE TRADE OF THE PRINCIPAL FAIRS.

Appendix VI. gives the trade of the principal Fairs held at different times and at different places all over these Provinces during the year. The results may be thus abstracted:—

Number of Fairs held during the year...	66
Estimated number of people attending the Fairs ...	1,443,290
Estimated value of property brought to the Fairs • Rs.	75,63,731

Detail of Property sold at the Fairs.

	Rs.
I.—European goods of all kinds,	12,96,325
II.—Country manufactures and raw produce	15,29,420
III.—Horses	31,933
IV.—Cattle and Sheep ...	9,61,734
V.—Miscellaneous goods ...	13,92,898
Total Property sold ...	52,12,310
	or £521,231

Of the above items, that of European piece-goods is truly remarkable. It is, indeed, an interesting fact that such a quantity of Manchester goods should be sold at gatherings which are held, not in cities, nor anywhere among the ordinary haunts of commerce, but chiefly on the banks of sacred streams, or at the shrines of pilgrimage, or in sequestered valleys, or even among the hills and forests.

CONCLUSION.

I am happy to acknowledge the intelligent interest which several Officers have taken in the subject of Trade Statistics, and the able manner in which some of the District Reports, summarizing the transactions of the year, have been drawn up. In all the various capacities in which a Deputy Commissioner is called upon to act, there is perhaps not one in which a thorough acquaintance with the commercial affairs of his district is not of some value. As guardian of the material interests and well-being of a people who look up to the Officers of Government in all emergencies, he ought to be, and indeed must be, versed in these things. The subject is becoming better and better understood as year by year the materials are brought together, classified, examined, and reviewed in this shape. I will not, in this Minute, point out individual shortcomings, where so many have done well; but I trust that those Officers who have been chargeable with such shortcomings, will remember, in future, that a little want of attention, on the part of any one District Officer, to the simple instructions prescribed for the registration and compilation of these Statistics, may throw out the calculations for the whole of these Provinces at the close of the year, and that thus the labors of many zealous Officers in this Department of work may be deprived of the full result through the negligence of a few.

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The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 17, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th February 1866, and is hereby promulgated for general information :—

Act No. IV of 1866.

An Act to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies.

Preamble.

Whereas it is expedient to amend the constitution of the Court of the Judicial Commissioner of the Punjab and its Dependencies, and to invest the Judges of the Court constituted under this Act with an original jurisdiction for the trial of certain Civil and Criminal cases; And whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is enacted as follows :—

Interpretation of terms.

1. In this Act, unless there be something repugnant in the subject or context—

"Punjab."

"Punjab" means the Territories for the time being under the Government of the Lieutenant-Governor of the Punjab and its Dependencies.

"Lieutenant-Governor."

"Lieutenant-Governor" means the Lieutenant-Governor for the time being of the Punjab.

"Chief Court."

"Chief Court" means the Chief Court of the Punjab constituted under this Act.

"Judge," "Registrar."

"Judge," "Registrar," and other words denoting any particular Officer respectively include any person for the time being authorized to act as such Judge, Registrar or other Officer.

"Magistrate."

"Magistrate" denotes any person exercising any of the powers of a Magistrate as defined in the Code of Criminal Procedure.

"Barrister."

"Barrister" includes Barristers of England or Ireland, and Members of the Faculty of Advocates in Scotland.

"Section."

"Section" denotes a Section of this Act.

Number.

Words in the singular include the plural: words in the plural include the singular.

Gender.

Words importing the masculine gender include females.

Constitution of Chief Court.

2. The Court constituted under this Act shall be styled the Chief Court of the Punjab, and shall consist of two or more Judges, who shall be appointed by the Governor General of India in Council, and of whom one at least shall always be a Barrister of not less than five years' standing: Provided that the person who at the time of the constitution of the Chief Court shall be the Judicial Commissioner of the Punjab, shall become a Judge of such Court without further appointment for that purpose.

Precedence of Judges of Chief Court.

3. The Judges of the Chief Court shall have rank and precedence in the Court according to the seniority of their appointments as such Judges.

Tenure of office of Judges of Chief Court.

4. The Judges of the Chief Court shall hold their offices during the pleasure of the Governor General of India in Council.

5. Previously to entering on the execution of the duties of his office, every Judge appointed under this Act shall make or subscribe the following declaration before the Lieutenant-Governor or such authority or person as he may commission to receive the same:—

Declaration to be made by persons appointed Judges of Chief Court.

"I, A. B., appointed Judge of the Chief Court of the Punjab, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. The Judges of the Chief Court with the sanction of the Lieutenant-Governor may, from time to time, appoint a person to be the Registrar of the said Court. The Registrar shall be the principal Ministerial Officer of the Court, and shall have such powers, and perform such duties, as shall be given and assigned to him by the Court by any rule duly made by the Court under the forty-fourth Section.

Appointment of Registrar.

7. The Judges of the Chief Court may, from time to time, and subject to any rules and restrictions which may be prescribed by the Governor General of India in Council, appoint a Deputy Registrar and such and so many Clerks and other Ministerial Officers as shall be found necessary for the administration of justice by such Court, and the due execution of the powers and authorities given to it by this Act.

Appointment and removal of Ministerial Officers.

8. Every Officer appointed under either of the last two preceding Sections shall be liable to dismissal by order of the Chief Court: Provided that neither the Registrar nor Deputy Registrar shall be removed from office without the sanction of the Lieutenant-Governor.

Dismissal of Officers of Court.

9. The Chief Court shall have, and use as occasion may require, a Seal with this inscription, "The Seal of the Chief Court of the Punjab," to be made under the directions of the Lieutenant-Governor; and all summonses, decrees and other process issuing out of the Court shall be stamped with such Seal, and signed by a Judge or the Registrar or Deputy Registrar of the Court.

Seal of Chief Court.

Processes to be sealed with Court Seal, and signed by Judge or Registrar.

10. Any person duly authorized by the Secretary of State for India in Council to appear, plead or act on his behalf; (2) any suitor appearing, pleading or acting on his own behalf or on behalf of a co-suitor; (3) any person who, for the time being, is an Advocate, Vakeel or Attorney-at-law of any of the High Courts of Judicature in India or of the Sudder Court of the North-Western Provinces,—shall be permitted to appear and act as the Pleader of any suitor in the Chief Court in any suit or touching any matter whatever. Save as aforesaid, no person shall be permitted to appear or act as the Pleader of any suitor in the Chief Court in any suit or touching any matter whatever, unless such person shall have been previously licensed by the Court to act for the suitors of Such Court generally, or specially for the particular occasion. It shall be lawful for the Judges to make rules for the qualifications and admission of proper persons to act as Pleaders in the Court.

Agent for Secretary of State, suitors and Advocates, &c. of High Courts may appear and plead.

Licensing of Pleaders.

Rules regarding their qualifications and admission.

11. The Chief Court may for sufficient reason revoke any license which the Court shall at any time grant to any person to act generally, or specially as a Pleader under this Act, and may for sufficient reason suspend any person whatsoever from appearing or acting as a Pleader in any suit, or touching any matter.

Power to suspend or revoke Pleaders' license.

12. The fees to be received by any Pleader, other than an Advocate of a High Court, shall be subject to the order and control of the Court, and no fees shall be recoverable by any such Pleader except such fees as shall be allowed under the forty-fourth Section.

Fees of Pleaders to be subject to control.

13. The Chief Court shall be the highest Court of Appeal from the Civil and Criminal Courts in the Punjab, and shall (subject to the provision hereinafter contained) be the only Court exercising appellate jurisdiction in such cases (whether relating to the title or succession to land or to the possession or any right in respect of land or otherwise) as are subject to appeal to the highest Civil and Criminal Court in the Punjab, by virtue of any law or practice now in force, or as shall become subject to appeal to the Chief Court by virtue of any law hereafter made by the Governor General of India in Council. Provided that when a Settlement of Land Revenue shall be in progress, and the Local Government, under Act No. XIX of 1865 *(to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies)* shall have invested the Financial Commissioner of the Punjab with the power of a Court of final appeal in any class of suits regarding land, or the rent revenue or produce of land, the jurisdiction of the Chief Court shall, so far as regards such class of suits, be barred during the continuance of the power with which such Commissioner shall have been so invested.

The Chief Court to be the ultimate Court of Appeal from the Civil and Criminal Courts in the Punjab.

14. The Chief Court may remove and try and determine as a Court of original jurisdiction any suit being or falling within the jurisdiction of any Court subject to its superintendence when the Chief Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice.

Extraordinary original Civil jurisdiction.

15. The Chief Court may withdraw any suit or appeal from any Court subject to its superintendence other than a Court of Small Causes or a Court of a Cantonment Magistrate, and refer such suit or appeal for trial to any other

Power to transfer suits and appeals from one subordinate Court to another.

subordinate Court competent in respect of the value or amount of the suit to try the same.

Power to call for record of cases decided by subordinate Courts.

16. The Chief Court may call for the record of any case decided by any Court of Small Causes, or on appeal by any Court subject to its superintendence in which no appeal shall lie to the Chief Court, if such Court of Small Causes or subordinate Court in hearing the appeal shall appear to have exercised a jurisdiction not vested in it by law.

Special appeal from Courts in Punjab to lie only to Chief Court.

17. All special appeals preferred after the date on which the Chief Court is established, from the decrees of Civil Courts of whatever grade in the Punjab, shall lie to and shall be heard by the Chief Court only, and not by any other Court.

Regulation of proceedings in Civil suits.

18. Save as in this Act is otherwise provided, the proceedings in the Chief Court in Civil suits of every description between party and party shall be regulated by the rules relating to Civil Procedure for the time being in force in the Punjab.

In exercise of its Civil jurisdiction, law of the local Courts to apply.

19. In the exercise of its Civil jurisdiction, Original as well as Appellate, such rules of law or equity and good conscience shall (until otherwise provided) be applied by the Chief Court in each case coming before it, as would have been applicable to such case by any local Court having jurisdiction therein.

Power to try European British subjects.

20. The Chief Court shall have power, as a Court of original jurisdiction, to try European British subjects, committed to it for trial; and from the date on which this Act shall come into operation, no commitment of a European British subject for trial by a High Court of Judicature, shall be made by any Court or Officer in the Punjab; but every commitment which, if this Act had not been passed, could have been made to a High Court, shall be made to the Chief Court. Whenever any such European British subject shall be committed or bailed for trial before the Chief Court, the Chief Court shall direct at what place within the limits of its jurisdiction the trial shall be held.

Charge to be delivered to Registrar with commitment of European British subject.

21. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any European British subject for trial before the Chief Court, shall, together with the record of the preliminary enquiry and all recognizances and other documents and any weapon or article of property connected with the case, deliver to the Registrar of the Chief Court a written instrument of charge signed by him, stating for what offence such European British subject is so committed or held to bail.

Chief Court to consider, and, if it will, to amend, alter or add to the charge.

Charge with amendments, alterations or additions (if any) to be recorded.

22. The Chief Court shall consider the charge, and may, if it appear necessary or expedient so to do, amend, alter or add to the same. The charge, with such amendments, alterations or additions, if any, shall be recorded in the Chief Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations or additions (if any) gratis.

Accused to have copies of examinations.

23. The person charged shall also, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same, not exceeding one anna for each folio of ninety words

Effect of charge.

24. Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the Chief Court in due course of law, and (subject to the provisions contained in the Code of Criminal Procedure as to the amendment and alteration of charges, and subject also to the provisions of the next following Section) shall be tried upon the charges so recorded.

Chief Court may order an unsustainable charge not to be proceeded with.

Effect of such order.

25. When any such charge shall have been recorded in the Chief Court as aforesaid, and shall at any time before the commencement of the trial of the person charged appear to the Chief Court to be clearly unsustainable, an entry to that effect may be made on the charge by a Judge of the Court. Such entry shall have the effect of staying proceedings upon the charge, but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

Places of holding sittings.

26. The Chief Court shall ordinarily hold its sittings at the seat of Government of the Punjab: but it may from time to time, with the approval of the Lieutenant-Governor, hold sittings at such other places in the Punjab as shall seem convenient. Due notice shall be given beforehand in the Official Gazette of all sittings intended to be held for the trial of cases in the exercise of the original Criminal jurisdiction of the Court.

Procedure pending directions of Chief Court as to place of trial of European British subject.

27. Pending the directions of the Chief Court as to the place of trial, every such European British subject as is referred to in the twenty-first Section shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal jail in which he can be most

conveniently confined. If the trial shall be directed to be held at the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the jail at such place. If the Chief Court shall direct that the person charged be tried elsewhere than at its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial at the place directed, or shall, if necessary, cause him to be removed to the Criminal jail of or nearest to the place at which he is directed to be tried; and the Officer in charge of such Criminal jail shall keep him in safe custody until discharged in due course of law.

Chief Court may order European British subjects committed in certain Districts in certain seasons of the year to be tried at a particular place and confined in a particular jail.

28. It shall be lawful for the Chief Court to direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court, or to direct that they shall be tried at a particular place named, and also to order that such European British subjects shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

Trials under Section 20 to be by Jury.

29. All trials under the twentieth Section shall be by Jury.

Summoning of Jurors to serve on trials.

30. Whenever the Chief Court shall have given notice of its intention to hold sittings at any place (whether at the seat of Government of the Punjab or otherwise) for the exercise of its original Criminal jurisdiction, the Court of Session at such place shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall, if it shall think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident within ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of European British subjects charged with offences before the Chief Court as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or for any other special Military reason. The Juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure, and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if no such Officers have been summoned, then solely from the persons summoned under the same Sections.

Military men not exempt.

Jury for trial of European British subject.

31. If any European British subject charged as aforesaid shall so require before the Jury shall be empannelled, the majority of the Jurors shall consist of Europeans or Americans or both Europeans and Americans.

Number of Jury requisite to verdict of guilty.

32. On every trial of an European British subject under this Act, the Jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

Portions of Section 380 of Criminal Procedure Code not to apply to sentences by Chief Court.

33. So much of the three hundred and eightieth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by the Chief Court passed in the exercise of its original Criminal jurisdiction.

Portion of 26th Chapter of Criminal Procedure Code not to apply to sentences of Court.

34. So much of the twenty-sixth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form, shall not apply to judgments, sentences or findings in trials before the Chief Court acting in the exercise of its original Criminal jurisdiction; but the Chief Court shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as it shall think proper.

Power to single Judge to reserve for Chief Court any question of law or evidence.

35. When any person has been convicted of an offence before a Judge of the Chief Court acting in the exercise of its original Criminal jurisdiction, the Judge, if he think proper, may reserve for the decision of a Court consisting of such Judge and one or more other Judge or Judges of the Chief Court, any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail of the District or

Procedure where no such question reserved.

place in which the trial was held, and on the receipt of the warrant such Magistrate or other Officer shall proceed as provided in the three hundred and eighty-fifth Section of the Code of Criminal Procedure. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision thereon, be remanded to jail. If the decision on the question be adverse to the person convicted, the Court shall send a copy of its sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail to which the prisoner shall have been remanded, and such Magistrate or other Officer shall proceed as provided in the same Section.

Save as aforesaid, Criminal Procedure Code to apply to Juries, trials, sentences and execution.

36. Save as is hereinbefore otherwise provided, the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before the Chief Court acting in the exercise of its original Criminal jurisdiction and to trials before such Court and to sentences by such Court and to the carrying into execution of such sentences.

British subjects to be amenable for offences committed in foreign territory.

37. Every European British subject apprehended within the Punjab, or delivered into the custody of a Magistrate within the Punjab wherever apprehended, shall be amenable to the law for any offence committed by him within the territory of any Foreign Prince or State, and may be bailed or committed for trial as hereinafter provided on the like evidence as would warrant his being bailed or committed for trial for the same offence if it had been committed in the Punjab.

Committing Magistrate to report to the Lieutenant-Governor.

38. The committing Magistrate immediately and before the trial shall report the case to the Lieutenant-Governor, and shall obey the orders which he shall receive thereon, and the Lieutenant-Governor may order the trial to be had before the Chief Court.

If the offence is committed where there is a competent Court, Lieutenant-Governor may take steps to have trial there.

39. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by Officers acting under the authority of the Government of India, in which territory a Court competent to try the person charged is established by authority of the Governor General of India in Council, the Lieutenant-Governor may order such person to be conveyed in custody out of the Punjab for the purpose of delivering him up for trial before such Court.

Form of warrant of commitment and of bail-bond.

40. When the person charged is committed to custody, the form of the warrant shall specify the commitment to be until the orders of the Lieutenant-Governor can be received and acted on. When he is bailed, the form of the bail-bond shall be in the first instance to appear before the Magistrate on a certain day assigned, allowing reasonable time for the receipt of the orders of the Lieutenant-Governor, and on such subsequent days as the Magistrate shall from time to time require. If the Lieutenant-Governor shall order the person charged to be tried in the Chief Court, the Magistrate may cause the bail-bond to be renewed in the usual form to appear and take his trial in such Court.

Order of Lieutenant-Governor to be full authority.

41. In either case the special order of the Lieutenant-Governor shall be deemed full authority either for the trial of the person charged within the Punjab, or for conveying him in custody out of the Punjab as aforesaid.

Two Judges at least necessary to reverse or modify sentences or decrees of Sessions or Civil Judges.

42. No decree of any Civil Court shall be reversed or modified on appeal, and no sentence of any Criminal Court shall be reversed or modified on appeal or revision, save by the order of not less than two Judges of the Chief Court.

Chief Court may provide for exercise of the Court's jurisdiction by one or more of its Judges.

43. Save as herein otherwise provided, the Chief Court may by its own rules provide for the exercise, by one or more Judges, of the original and appellate jurisdiction vested in such Court, in such manner as may appear to such Court to be convenient for the due administration of justice.

Chief Court to superintend subordinate Courts, and to frame rules of practice for itself and such Courts.

44. The Chief Court shall have superintendence over all Courts which may be subject to its appellate jurisdiction, and shall have power to call for returns, to make and issue general rules for regulating the practice and proceedings of the Chief Court and of such subordinate Courts, to give and assign to the Ministerial Officers of the said Chief Court and subordinate Courts respectively such powers and duties as may seem fit, to frame and prescribe forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the Officers, and to settle Tables of Fees to be allowed to Pleaders, and from time to time to alter any such rule or form or table; and the rules so made, and the forms so framed, and the tables so settled, shall be published in the Official Gazette and after being so published shall be used and observed in the Chief Court: Provided that such general rules and forms and tables be not inconsistent with the provisions of this Act or any law in force, and shall before they are issued have received the sanction of the Lieutenant-Governor.

Provisions as to proceedings pending in Judicial Commissioner's Court.

45. The Chief Court shall have jurisdiction in all proceedings pending in the Court of the Judicial Commissioner of the Punjab at the time of the constitution of the Chief Court; and all previous proceedings of the Court of the said Commissioner shall be dealt with as if the same had been had in the Chief Court.

46. If the Chief Court shall consist of two Judges only, and if in any case heard by such Judges sitting together there shall be a difference of opinion between them, the following course shall be pursued, that is to say :—

Procedure in case of difference of opinion between Judges when Court consists of only two.

(*1st.*)—If the case be heard in appeal and the difference of opinion shall be on any question of fact in the finding of the Lower Court, the finding shall be upheld.

1st.—On appeal on a question of fact.

(*2nd.*)—If the difference of opinion shall be on a point of law or of usage having the force of law, the ruling of the Lower Court shall in such case also be upheld, unless one of the Judges shall be of opinion that the point is one which ought to be referred to the High Court of Judicature at Calcutta, in which case the Judges shall state the point as to which they differ, and forward such statement, with their own opinions respectively, to such High Court. The Chief Court may proceed in the case notwithstanding such reference, and may pass a decree contingent upon the opinion of the High Court on the point referred ; but no execution shall be issued in any case in which a reference shall have been made until the receipt of the order of the High Court.

2nd.—On appeal on a question of law.

(*3rd.*)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion shall be on a point of law or usage having the force of law, the Judges shall state the point on which they differ, and proceed as last hereinbefore provided. The same rule shall be observed when a difference of opinion may arise between two Judges of the Court upon a point of law reserved under the thirty-fifth Section.

3rd.—In exercise of original jurisdiction on a question of law.

(*4th.*)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion be on a question of fact, the opinion of the Senior Judge shall prevail, and he shall pronounce his decision as the decision of the Court.

4th.—In exercise of original jurisdiction on a question of fact.

47. Cases referred under this Act for the opinion of the High Court of Judicature at Calcutta shall be heard by not less than three Judges of that Court, and shall be determined according to the opinion of the majority of such Judges.

Hearing and decision of referred cases.

48. The parties to such cases may appear, plead and act in the said High Court in person, or by an Advocate or Vakeel of such High Court ; and the High Court, when it has heard and considered the case, shall transmit a copy of its opinion under the seal of the Court and the signature of the proper Officer of the Court, to the Judges of the Chief Court. Costs, if any, consequent on the reference of a case for the opinion of the High Court, under the forty-sixth Section, shall be costs in the suit.

Parties may appear in person, or by Advocate or Vakeel.

Transmission of judgment of High Court and proceeding thereupon.

Costs of reference to High Court.

49. The Chief Court shall keep such registers, books and accounts, and submit to the Lieutenant-Governor such statements of the work done in the Court as may be required by him. The Chief Court shall also comply with such requisitions as may be made by the Governor General of India in Council or by the Lieutenant-Governor for certified copies of or extracts from the records of the Court.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

Copies of records to be furnished.

50. Save as is in this Act otherwise expressly declared, any function which is hereby directed to be performed by the Chief Court may be performed by any Judge or Judges thereof appointed in that behalf by any rule made under the forty-fourth Section.

Chief Court's functions exercisable by single Judge.

51. Whenever the Lieutenant-Governor of the Punjab shall, under the authority vested in him by Section forty-seven of the Pleaders, Mookhtars and Revenue Agents' Act, 1865, extend the provisions of the said Act to the Territories under his Government, nothing in the said Act shall affect the provisions of Sections ten, eleven and twelve of this Act.

Sections 10, 11 and 12 not to be affected on extension to Punjab of Act XX of 1865.

52. Act No. XXVII of 1865 *(to make temporary provision for the decision of Civil Appeals in the Districts within the Lieutenant-Governorship of the Punjab)* is hereby repealed : Provided that all appeals which under the provisions of such Act shall be pending before the Financial Commissioner of the Punjab at the date of the passing of this Act may be heard and decided by him as if the present Act had not been passed.

Repeal of Act No. XXVII of 1865.

53. This Act may be cited as "The Punjab Chief Court Act, 1866."

Short title.

54. This Act shall come into operation on such day as the Governor General of India in Council shall fix by a Notification published in the Gazette of India.

Commencement of Act.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India.
Home Department (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight :—

No. 1 OF 1866.

A Bill to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and of Act No. XXIX of 1865.

Preamble.

Whereas it is expedient to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and of Act No. XXIX of 1865; It is enacted as follows :—

Power to Sudder Court North Western Provinces to make rules as to Pleaders and Mookhtars of such Court.

1. Notwithstanding anything contained in "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," the said Sudder Court shall have power to make rules for the qualification, admission and enrolment of proper persons to be Pleaders and Mookhtars of such Court, for the fees to be paid for the examination, admission and enrolment of such persons, and, subject to the provisons contained in the same Act, for the suspension and dismissal of the Pleaders so admitted and enrolled. The said Court may also from time to time vary and add to such rules.

Certain provisions contained in Act No. XX of 1865 to apply to Pleaders and Mookhtars practising in such Court.

2. The provisions contained in Sections 5 to 12 (both inclusive), 14, 15, 18, 37, 39 and 41 of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and in Sections 1 and 2 of Act No. XXIX of 1865, shall, *mutatis mutandis*, apply to Pleaders and Mookhtars practising in the said Sudder Court.

This Act to be read with Act No. XX of 1865.

3. This Act shall be read with and taken as part of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to extend certain provisions of Act No. XX of 1865 and the amending Act No. XXIX of 1865, to the Sudder Court of the North-Western Provinces. The Court was exempted from the former Act, as its conversion into a High Court was expected to occur before 1st January 1866, the day on which the Act came into operation: that conversion, however, has not yet taken place. The Judges of the Sudder Court wish to make rules under the Act for their Pleaders and Mookhtars, as well as to provide for the payment of the Pleaders' fees. The present Bill has been prepared so as to enable the Judges to carry their wish into effect.

H. S. MAINE.

The 30th January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight :—

No 2 OF 1866.

A Bill further to amend the Schedule annexed to the Code of Criminal Procedure.

Preamble.

Whereas it is expedient further to amend the Schedule annexed to the Code of Criminal Procedure; It is enacted as follows :—

Amendment of Schedule as regards Sections 277 and 278 of the Indian Penal Code.

1. In lieu of the word "ditto" in the patrs of column 7 of the said Schedule respectively referring to Sections 277 and 278 of the Indian Penal Code, there shall be read the words "Any Magistrate."

Amendment of Schedule as regards Section 325 of the Indian Penal Code

2. In lieu of the words "Court of Session" in the part of such column referring to Section 325 of the Indian Penal Code, there shall be read the words "Any Magistrate."

Amendment of Schedule as regards Section 380 of the Indian Penal Code.

3. In lieu of the word "ditto" in the part of the said Schedule referring to Section 380 of the Indian Penal Code, there shall be read the words "Court of Session or any Magistrate."

Nothing in this Act to alter effect of the rest of the Schedule.

4. Nothing herein contained shall be taken to alter the effect of any other part of the said Schedule immediately before the passing of this Act.

This Act to be read with the Code of Criminal Procedure

5. This Act shall be read with and taking as part of of the Code of Criminal Procedure.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to enable any Magistrate to try the following offences :—

Defiling the water of a public spring or reservoir:
Making the atmosphere noxious to health:
Voluntarily causing grievous hurt; and
Theft in a building, tent or vessel.

The reasons of the proposed change are these: *first*, as the law now stands, the time of the higher tribunals is needlessly taken up in trying cases which might well be dealt with by the lower grades of Magistrates; and, *secondly*, these offences being now often necessarily triable at a great distance from the place of their commission, the prosecutor and his witnesses are exposed to the hardship of a long journey, or the offence is hushed up to prevent that hardship.

H. S. MAINE.

The 30th January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept., (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight :—

No. 3 OF 1866.

A Bill to continue Act No. XXXI of 1860 *(relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases) and for other purposes.*

Preamble.

Whereas Act No. XXXI of 1860 as continued by Act No. VI of 1865 will expire on the first day of October 1866; and whereas it is expedient to continue the said Act No. XXXI of 1860; and whereas it is desirable to render the license mentioned in the 26th and other Sections of the same Act grantable upon conditions; It is enacted as follows :—

Repeal of Act No. VI of 1865 and of part of Section 55 of Act No. XXXI of 1860.

1. Act No. VI of 1865 and the second Clause of Section 55 of Act No. XXXI of 1860 are hereby repealed; but the rest of such Act shall continue in force from the passing of this Act until the Governor-General of India in Council shall by an order published in the *Gazette of India* declare otherwise.

Rest of Act No. XXXI of 1860 continued.

Licenses to bear arms may be granted on conditions.

2. The license mentioned in Sections 26, 28, 29 and 30 of the said Act No. XXXI of 1860 may be granted by the Magistrate or other person specially authorized to grant the same, subject to such conditions, if any, as such Magistrate or other person shall think fit; and on breach of any such conditions, or failure to comply therewith, such license shall thereupon be null and void.

Short title.

3. This Act may be cited as "The Arms Act Continuance Act, 1866."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to continue Act XXXI of 1860, commonly known as the Arms' Act. An enquiry has been instituted throughout India as to the operation of the Act: the result is that, in the opinion of the Local Governments, the Act has worked excellently, that it has mitigated the character of crime over a great part of India, and that no Europeans and no Natives of approved loyalty have been disarmed under the Act. There is, however, some evidence that the disarming of the country has encouraged the multiplication of wild animals: the Bill therefore enables the Local Officers to make licenses to carry arms dependent on the performance of a condition. The conditions annexed may be such as to render it possible to issue licenses more freely than heretofore.

The Bill does not propose to perpetuate the existing Act, but merely to continue it until the Governor-General in Council shall otherwise order.

H. S. MAINE.

The 2nd February 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 16th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight :—

No. 4 OF 1866.

A Bill to repeal Act No. IV of 1855 *(for incorporating for a further period, and for giving further powers to the Assam Company).*

Preamble.

Whereas the Assam Tea Company is to be incorporated by a local Act of Parliament made and passed in the 28th and 29th years of the reign of Her Majesty, No. CXXIX; but, under or by virtue of the second Section of the said Act of Parliament, its operation is deferred until the expiration of two months next after the day of the passing by the Governor-General of India in Council of an Act to repeal the Act of the Legislative Council of India, No. IV of 1855; and whereas it is expedient to repeal the same Act in order that the said Act of Parliament may be brought into operation; It is hereby enacted as follows :—

Repeal of Act IV of 1855.

1. Act No. IV of 1855 is hereby repealed, except as to the repeal of Act No. XIV of 1854 effected thereby, and except as to contracts made, acts done, and liabilities incurred before the passing of this Act.

For two months the powers, rights and liabilities of Assam Company not to be affected.

2. For the period of two months next after the day of the passing of this Act, the incorporation, powers, rights and liabilities of the said Company shall continue as if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

The Assam Tea Company was originally incorporated by an Act of the Indian Legislature, No. IV of 1855. But in the last Session of the English Parliament the Company obtained a private Act of incorporation, 28th and 29th Vic., No. CXXIX, the second Section of which is as follows :—

"This Act shall commence and have effect on and after the expiration of two months next after the day of the passing by the Legislative Council of the Governor-General of India of an Act repealing the Society's Act."

It is desirable to bring the English Act into operation. The present Bill accordingly proposes to repeal the Indian Act. At the same time it bridges over the interval of two months by declaring that the incorporation, powers, rights and liabilities of the Company shall continue for that period.

H. S. MAINE.

The 6th February 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

HOME DEPARTMENT.

No. 1266.

Fort William, the 8th February 1866.

NOTIFICATIONS.

Mr. W. J. Money, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years, from the date of embarkation.

No. 1419.

The 13th February 1866.

The Governor General in Council has been pleased to confirm the privilege leave of absence for two months granted by the Chief Commissioner, British Burmah, to Major B. Ford, Superintendent of Port Blair, commencing from the afternoon of 6th January 1866, on which date he made over charge of the Settlement and Treasury to Captain the Hon'ble J. H. Fraser, Assistant Superintendent of Port Blair.

No. 1424.

The Governor General in Council is pleased to extend the provisions of Section 34 of Act V of 1861 to the Town of Hutta in the Bhundara District of the Central Provinces.

No. 1426.

Appointment.—The Reverend F. C. Viret, Chaplain, to be Chaplain of Seetapore.

No. 1436.

The leave of absence on furlough granted to Mr. Francis Macnaghten, of the Bengal Civil Service, on the 5th of August last, is extended from two to three years.

No. 1438.

The following Notices to Mariners (received from the Acting Consul for the Netherlands) relating to Lights and Buoys on the Coast of Netherlands India, are published for general information :—

Notice to Mariners.

The Director of the State and Crown domains herewith notifies that the Herbert's Buoy, which has hitherto served to indicate the "Pamanoe-kan," also called "Castel van Worden's Cliff," has been changed; and a black-painted bell-shaped buoy, (length 10-8 Netherland ells, and above water 7-4 Netherland ells,) placed in its stead. This buoy is anchored at a depth of 14 Rhenish feet, coral ground.

(Sd.) C. CASTENS.

BATAVIA, 2nd June 1865.

Notice to Mariners.

The Director of State and Crown domains hereby gives notice to all whom it may concern that, since the 4th instant, at Banjoewangi a white dioptric harbour light of the 6th class has been erected, and will be in future regularly lighted from sunset to sunrise.

The light is 12-5 Netherland ells above the ground, and is visible for about 2 German geographical miles. When the Roadstead of Banjoewangi is once made, the course is straight west towards the light, free of all danger.

(Sd.) C. CASTENS.

BATAVIA, 8th December 1865.

No. 1439.

Mr. A. R. Thompson, of the Civil Service, is permitted to proceed to Europe on furlough for a period of two years, from the date of embarkation.

No. 1442.

The Governor General in Council is pleased to permit Mr. John Hallet Batten to resign the Civil Service from the 3rd proximo.

No. 1520.

The 15th February 1866.

The Governor General in Council is pleased to appoint, as a temporary arrangement, Lieutenant and Adjutant G. N. Ross, of the 12th Regiment Madras Native Infantry, to officiate as Cantonment Magistrate at Kamptee, in the Central Provinces, during Captain Playfair's illness, or until further orders.

Lieutenant Ross is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Section 22 of Act XXV of 1861, to be exercised within the limits of his jurisdiction.

No. 1543.

Appointment.—The Reverend W. B Drawbridge, Junior Chaplain on the Bengal Establishment, to be Chaplain of Nowgong.

No. 1547.

Dr. G. W. Jameson, Civil Surgeon of Hurdui, has obtained three months' privilege leave of absence, from the 1st February, or from such subsequent date as he may avail himself of it.

No. 1549.

Mr. A. P. Howell, Civil Service, re-joined his appointment as Under Secretary to the Government of India, in the Home Department, on expiry of the leave granted to him, under orders of the 5th October last, No. 3172, on the forenoon of the 5th instant, and assumed charge on the same date of that portion of the Office now at Simla.

No. 1550.

The Governor General in Council is pleased to invest Major S. C. D. Ryder, Cantonment Magistrate of Jubbulpore, in the Central Provinces, with the powers of a Magistrate as described in Chapter II, Section 22 of Act XXV of 1861.

No. 1557.

The 16th February 1866.

The Governor General in Council is pleased to invest Mr. J. W. Tawney, Assistant Commissioner, Nursingpore, in the Central Provinces,

with the powers of a Subordinate Magistrate of the 2nd Class as described in Section 22 of Act XXV of 1861.

No. 1559.

The leave of absence on furlough granted to Mr. W. J. R. Carnac on the 10th of March 1865, is extended from one year to two years.

No. 1563.

Captain W. A. Franks, (late 12th Native Infantry) Probationary Assistant Revenue Surveyor, 2nd Division, Oudh, is permitted, at his own request, to resign his appointment in the Survey Department.

No. 1583.

The 17th February 1866.

In accordance with the provision of Section 54 of Act No. IV of 1866, the Governor General in Council is pleased to fix on the 17th day of February instant as the day on which "the Punjab Chief Court Act, 1866" shall come into operation.

Under Section 2 of the Act, Mr. A. A. Roberts, C. B., Judicial Commissioner of the Punjab, becomes a Judge of the Chief Court of the Punjab.

Under the same Section, the Governor General in Council is pleased to appoint Charles Boulnois, Esquire, Barrister-at-Law, to be a Judge of the Chief Court of the Punjab, from the 17th instant.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

MILITARY.

No. 21.

Fort William, the 14th February 1866.

Major H. Forbes, Commanding Bhopal Battalion, is granted privilege leave of absence for 30 days, from the 22nd instant.

GENERAL.

No. 238.

Mr. G. Ouseley, C. S., is appointed to be a Commissioner in Oudh, in succession to Mr. F. O. Mayne, transferred to the North-Western Provinces.

No. 242.

Lieutenant W. Vertue, Assistant Commissioner of Nagpore, has obtained privilege leave of absence for three months, from the 8th April 1866, or from the date on which he may avail himself of it.

Bulwunt Rao Govind, Extra Assistant Commissioner in the Central Provinces, has obtained privilege leave of absence for three months, from the 14th instant, or from the date on which he may avail himself of it.

No. 244.

Captain J. Allardyce, Deputy Commissioner, Oomraowuttee District, has obtained privilege leave of absence for 30 days, from the 15th instant, or from the date on which he may avail himself of it.

No. 246.

Mr. S. J. Naher, Extra Assistant Commissioner in Oudh, has been granted privilege leave of absence for three months, from the 17th ultimo.

No. 248.

Colonel G. Ramsay, Resident at Nipal, resumed charge of his Office from Lieutenant Colonel R. C. Lawrence, C. B., on the 3rd instant.

No. 254.

The 16th February 1866.

Mr. J. G. Cordery, Officiating Deputy Commissioner, Hyderabad Assigned Districts, is granted privilege leave of absence for six weeks, from the date on which he may avail himself of it.

No. 256.

Mr. Ruttonjee Jamasjee, Extra Assistant Commissioner, Akolah District, has been granted leave of absence, on medical certificate, for two months, during which period Ram Rao Govind, Tehsildar of Mehkur, will officiate in the appointment.

No. 258.

Mr. C. Grant, Officiating Deputy Commissioner and Settlement Officer of Jubbulpore, is granted 25 days' leave of absence, from the 20th March 1866, or such subsequent date as he may avail himself of it, preparatory to proceeding to England on furlough.

No. 260.

Mr. W. Lane, Officiating Deputy Commissioner of Lucknow, has obtained privilege leave of absence for one month, from the 20th instant, or from the date on which he may avail himself of it.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 779.

Fort William, the 14th February 1866.

NOTIFICATIONS.

Mr. C. E. Chapman, Deputy Accountant General, Bombay, received charge of the office of Accountant General from Mr. J. L. Lushington on the 31st January 1866.

No. 830.

The 15th February 1866.

With reference to the Notification of this Department, No. 2781, dated the 6th October 1865, appointing Mr. Thos. Peachey, Principal Assistant

Secretary, Financial Department, to be Deputy Comptroller General of Accounts, the Governor General in Council sanctions the following arrangement:—

Mr. R. H. Hollingbery, 2nd Assistant Secretary in the Financial Department, to be 1st Assistant Secretary, and Mr. J. E. Cooke, Officiating 3rd Assistant Secretary, to be 2nd Assistant Secretary.

No. 831.

Mr. E. F. Harrison, Accountant General, North-Western Provinces, to be on special duty at the Presidency until further orders.

Mr. R. Taylor, Deputy Accountant General, Bengal, to be Deputy Accountant General, Punjab, but to continue to officiate as Deputy Accountant General, Madras.

Mr. W. Clark, Deputy Accountant General, Punjab, to be Deputy Accountant General, Bengal.

Mr. R. A. Fink, Officiating 2nd Assistant Accountant General to the Government of India, to officiate as Deputy Accountant General, Punjab.

Mr. J. C. Gilliland, an Assistant in the Office of the Accountant General, Punjab, to be Chief Assistant in that Office, and to take rank in the 5th Class of the Department of Account.

No. 836.

The 16th February 1866.

The following Extract from a Despatch from the Right Hon'ble the Secretary of State for India, No. 290, dated 23rd December 1865, is published for general information:—

PARA. 1.—With reference to paragraph 4 of my Financial Despatch, dated the 8th December 1862, No. 205, I have to acquaint you that, having fully considered in Council what arrangements should be made in regard to the Pensions of Educational Officers, I have arrived at the conclusion that, taking into consideration the advantages enjoyed by them, under the old Rules, as compared with other Members of the Uncovenanted Service, the claims of Educational Officers will be adequately provided for, by continuing to them the benefits of the existing Pension and Leave Rules applicable to Uncovenanted Servants generally, with the provision that, in the cases of Educational Officers who may enter the Service after having attained the age of 25, periods of service of 12, 22, and 27 years shall be substituted for the periods of 15, 25, and 30 years specified in Sections 6 and 7 of the Uncovenanted Service Pension Rules.

2. Officers who may enter the Educational Department at an earlier age than 25 years, will be subject to the general Rules for Members of the Uncovenanted Service.

3. Under the old Pension Rules for the Uncovenanted Service, Law Officers and Native Judges, as well as Principals and Head Masters of Colleges and Schools, were admissible to Pensions after shorter periods of service than were required from other Uncovenanted Servants.

4. The offices included under the designation of "Law Officers" no longer exist. The Rules laid down in this Despatch will consequently apply only to Officers of the Educational Department.

No. 859.

Mr. J. L. Hynes, 2nd Assistant Accountant General, Bombay, to officiate as 1st Assistant Accountant General, and Mr. R. W. Matthews to officiate as 2nd Assistant Accountant General, during the absence of Mr. J. L. Lushington on privilege leave.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 12th February 1866.

No. 135 *of* 1866.—With reference to Government General Order No. 504 of the 22nd May 1865, it is hereby notified that, when a Veterinary Surgeon with a Regiment of British Cavalry is placed in charge of horses of a Battery of Artillery or of horses of other Regiments, he will be allowed the usual head money of two annas per horse, but this allowance will not be made to a Veterinary Surgeon with a Wing of a Regiment of Cavalry, unless the aggregate number of horses under his charge exceeds 490, the complement of a Regiment.

2. Veterinary Surgeons of Royal Artillery will be required to attend all the Artillery Horses at the station, irrespective of their Brigades or Batteries, without any claim to head money for such duty.

No. 136 *of* 1866.—The under-mentioned Soldiers of Her Majesty's service are permitted to reside and draw their pay in India as Out-Pensioners of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of their pensions.:—

Gunner James Todd, E Battery, F Brigade, Royal Horse Artillery.

Private William Haydown, Her Majesty's 104th Foot.

No. 137 *of* 1866.—His Excellency the Governor General in Council is pleased to admit Subadar Nehal Sing (formerly Sepoy of the 7th Native Infantry), of the 36th (The Bareilly) Regiment Native Infantry, to the 3rd Class of the Order of Merit, in consideration of his distinguished and gallant conduct at Arrah on the 30th July 1857.

No. 138 *of* 1866.—The services of Major J. Davidson, of the Madras Staff Corps, are placed at the disposal of the Government of the North-Western Provinces.

The 13th February 1866.

No. 139 *of* 1866.—Under the authority of the Right Hon'ble the Secretary of State for India, His Excellency the Governor General in Council

is pleased to authorize the grant of compensation for dearness of forage to all ranks of the Native Cavalry who are in receipt of less than Rs. 200 per mensem, whenever the aggregate monthly cost of the horse's food* exceeds Rs. 15 on the scale noted in the margin.

* DAILY. { 4 seers (8 lbs.) of gram or 5 seers of bajree or other inferior grain. 15 seers of grass.

This rule is applicable to all Native Cavalry on the *Silladar* system serving in the three Presidencies.

No. 140 *of* 1866.—Jemadar Chuttur Singh, of the 13th Bengal Cavalry, is permitted to resign the service from the date of publication of this order at the head quarters of the Corps.

No. 141 *of* 1866.—Major C. W. D'Oyly, Deputy Superintendent of Studs, is allowed leave of absence for two months, from the 21st February to 21st April 1866, or from such date as he may have availed himself of it, to visit the Presidency, preparatory to proceeding to Europe on medical certificate.

No. 142 *of* 1866.—The following promotions are made in the under-mentioned Corps of the Native Army:—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
44th Regiment Native Infantry.	Jemadar Suctee Sawoon -	Subadar -	25th March 1865.	Subadar Bissoon Surum, deceased.
	„ Runjeet Sing -	Ditto -	1st July 1865.	Subadar Kassee Ram Ally, invalided.
	Havildar Goomany Ram -	Jemadar -	25th March 1865.	Jemadar Suctee Sawoon, promoted.
	„ Madar Bux -	Ditto -	26th April 1865.	Jemadar Rampertab Sing, deceased.
	„ Runburn Sye -	Ditto -	1st July 1865	Jemadar Runjeet Sing, promoted.

The 14th February 1866.

No. 143 *of* 1866.—Major M. E. Currie, of the Royal Artillery, Agent for the manufacture of Gun Carriages, Futtehgurh, is allowed leave of absence from the 1st April 1866 to date of embarkation, to visit the Presidency, preparatory to applying for furlough to Europe on private affairs, under the new Regulations.

No. 144 *of* 1866.—The under-mentioned Warrant Officer is admitted to pension as specified opposite to his name:—

Conductor John Bateman, Ordnance Commissariat Department, attached to the Arsenal at Allahabad. { 2*s.* 6*d.* (two shillings and six pence) per diem, as Sergeant Major, payable in Europe.

No. 145 *of* 1866.—The services of Assistant Surgeon K. McLeod, M. D., are placed temporarily at the disposal of the Government of Bengal.

The 15th February 1866.

No. 146 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Colonel Henry Lewis, Royal Artillery, Deputy Inspector General of Ordnance and Magazines. } For 20 months, under the new Regulations.

Lieutenant Colonel Charles Fitzroy Miller Mundy, of the Bengal Staff Corps, Presidency Pay Master. } For 20 months.

Captain (Brevet Major) William Tod Brown, C. B., Royal Artillery, Assistant Engineer, Upper Sirhind Division, D. P. W. } For 2 years, under the old Regulations.

No. 147 *of* 1866.—Captain H. R. Bradford, late 36th Regiment Native Infantry, Officiating Sub-Assistant Commissary General, Jhansie, is allowed leave of absence from the 10th March to the 9th April 1866, to visit the Presidency, preparatory to applying for furlough to Europe on private affairs under the old Regulations.

No. 148 *of* 1866.—It is hereby notified that Cooks entertained in Native Infantry Regiments, under the authority of Government, are entitled to draw the 2nd class rates of compensation for dearness of provisions, as laid down in Government General Order No. 454 of the 27th May 1864.

No. 149 *of* 1866.—The services of Lieutenant F. A. Wilson, of the Royal Artillery, are placed at the disposal of the Hon'ble the Lieutenant Governor of Bengal.

No. 150 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Ordnance Commissariat Department.

Lieutenant H. M. Mackenzie, of the Royal Artil-

lery, to officiate as 3rd Class Commissary of Ordnance, to complete the Establishment.

No. 151 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Lieutenant George Swinton, of the Royal Engineers, Executive Engineer, Department of Public Works, Punjab.	For 2 years, under the new Regulations.

The 16*th February* 1866.

No. 152 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Captain (Brevet Major) W. C. Green, of the late 60th Native Infantry.	10th February 1866.
Lieutenant (Brevet Major) W. H. Smith, of the late 56th Native Infantry.	
Major A. Blackwood, of the Bengal Staff Corps.	11th February 1866.
Captain (Brevet Major) J. H. Jenkins, of the Bengal Staff Corps, Deputy Assistant Commissary General.	

No. 153 *of* 1866.—The services of Lieutenant F. P. Jones, of Her Majesty's 23rd Royal Welsh Fusiliers, a candidate for the Staff Corps, are placed at the disposal of the Government of the Punjab.

No. 154 *of* 1866.—The under-mentioned Officers have reported their departure on the date specified opposite to their respective names :—

Major (Brevet Lieutenant Colonel) F. C. Barber, of the 29th Regiment Madras Native Infantry, on leave for 2 years, Government General Order No. 31 of the 9th January 1866.	"Mooltan," 10th February 1866.
Surgeon W. F. B. Dalzel, M. D., of the Medical Department, on leave for 20 months, Government General Order No. 114 of the 2nd February 1866.	
Major (Brevet Lieutenant Colonel) Herbert Bruce, C. B., of the Bombay Staff Corps, Inspector General of Police, Lower Provinces, on leave for 20 months, Government General Order No. 132 of the 9th February 1866.	"Meinam," 3rd February 1866.

No. 155 *of* 1866.—With reference to Government General Order No. 913 of the 16th November last, it is hereby notified that Non-Commissioned Officers and Soldiers who have not had the advantage of studying the Native languages in Regimental or other Government Schools, in whatever Department they may be employed, will in future, on passing examinations by the First or Second Standard in Hindoostani, be entitled to receive the donations payable to Commissioned Officers on the like occasions.

No. 156 *of* 1866.—The following Extracts from the *London Gazettes* of the 19th and 29th December 1865 are published for general information :—

WAR OFFICE, PALL MALL,
19*th December* 1865.

Brevet.

The under-mentioned promotions and alteration of rank to take place in Her Majesty's Indian Military Forces consequent on the death of Lieutenant General Henry Sargent, Madras Infantry, on the 19th November 1865, and Major General St. George Daniel Showers, C. B., Bengal Infantry, on the 9th October 1865 :—

Major General John Kynaston Luard, C. B., Madras Infantry, to be Lieutenant General, dated 20th November 1865.

Major General Hubert Marshall, Madras Infantry, to take rank from 10th October 1865.

Colonel John Liddell, C. B., Bombay Infantry, to be Major General, dated 12th October 1865.

Colonel Edward Darvall, Bengal Infantry, to be Major General, dated 20th November 1865.

The under-mentioned Officer, who has retired upon full pay, to have a step of honorary rank as follows :—

Deputy Inspector General of Hospitals William Arbuckle, M. D., Bombay Establishment, to be Inspector General of Hospitals, dated 19th December 1865.

WAR OFFICE, PALL MALL,
29*th December* 1865.

Unattached.

The under-mentioned Ensigns on the Unattached List, Bombay Army, to be Lieutenants :—

Arthur Steers, dated 29th December 1865.
Michael Toole, dated 29th ditto.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 41.

Fort William, the 13*th February* 1866.

NOTIFICATIONS.

Captain G. Swetenham, Royal Engineers, Executive Engineer, 3rd Grade, is transferred from Oudh to Hyderabad.

No. 42.

Lieutenant Colonel G. R. Phillips, Madras Staff Corps, Executive Engineer, 3rd Grade, is transferred from Hyderabad to the Central Provinces.

No. 43.

Captain H. H. Foord, Executive Engineer, 2nd Grade, Hyderabad, is allowed two months' privilege leave with effect from the 15th February 1866, or from such date as he may avail himself of it.

No. 44.

The 14*th February* 1866.

Mr. J. D. Derry, Assistant Engineer, 1st Grade, who was transferred from Bengal to British

Burmah, in Public Works Department Notification No. 432 of 1st December 1865, reported his arrival at Rangoon on the 13th idem, and has been posted temporarily to the Rangoon Division.

No. 45.

The 15th February 1866.

The services of Lieutenant H. Doveton, R. E., Executive Engineer, 4th Grade, having been placed by the Government of Bombay at the disposal of the Government of India, he is posted to the Nusseerabad Division of the Rajpootana Circle.

C. H. DICKENS, *Lieut. Colonel*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE

Is hereby given, that sealed tenders will be received by the Secretary to Government in the Public Works Department at noon of Thursday the 15th March 1866, for the purchase of the right to a lease from Government of a portion, and an assignment of the lease of another portion of the premises now occupied by the Gun Carriage Manufactory at Colaba, and of all land and premises now in the possession of Government lying and situate between the premises now or lately belonging to the Colaba and the Apollo Land Companies on the North, and the Victoria Land Company on the South, and between the New Sea Wall now in course of construction on the East, and the Colaba main road on the West.

2. As to the piece of land colored yellow in the plan referred to in the fourth condition, and which contains about 10705½ square yards, the purchaser will be entitled, on payment of the balance of the purchase money, to an assignment of the lease under which the same is held, and which lease is dated the 23rd day of February 1818, and made between Juggonath Pandoosett of the one part, and the Hon'ble the United Company of Merchants of England trading to the East Indies of the other part, and is for the term of 99 years (renewable from time to time until the expiration of 1,000 years) from the 23rd of February 1818, subject to the yearly rent of Rupees 300.

3. The purchaser shall be entitled to no other evidence of title to the land comprised in the above lease, than the original lease itself, and he shall, at his own expense, execute a duplicate assignment of the lease containing the usual covenants for the payment of the rent thereby reserved and the observance of the covenants therein contained.

4. As to the portion on the plan colored blue, the conditions of the lease will be as follows :—

1st.—Lease to be for 999 years, commencing from the 15th March 1866, and to be granted on completion of the payment of the purchase money.

2nd.—A yearly rent of one pie per square yard per annum to be paid on the 15th of March of each year during the continuance of the lease.

3rd.—Lessee to be considered owner of all houses, buildings, sheds and other immoveable property on the land at the time of possession being given over.

4th.—Lessee shall have the right of filling in the land between the foreshore of the premises and the new seawall now in course of construction, as shown on a plan deposited in the Office of the Secretary to Government in the Public Works Department.

5th.—Lessee to pay all taxes, rates, &c., that may be or become due.

6th.—Land required for Police or Customs Chowkies as well on the assigned, as on the demised portion, to be given up to Government for such purposes free of valuation and rent.

7th.—The Lease to contain provisos for re-entry on breach of any of the covenants or conditions, or non-payment of the rent within twenty days after it becomes due, without any necessity for a formal demand thereof and all other clauses and conditions usually inserted in leases of a like nature.

8th.—The agreement, lease, and counterpart to be prepared by the lessor's solicitors at the lessee's expense.

9th.—The lessee not to enquire into or object to the lessor's title.

10th.—Possession of the Land, except that portion of it now in the possession of the Gun Carriage Manufactory, together with the right of filling in referred to in para. 4, will be given on the 15th March 1866 on the purchaser's completing payment of the 25 per cent. payable on that day under Clause 13.

11th.—Possession of the land now in occupation by the Gun Carriage Manufactory will not be given until the 15th of March 1868.

12th.—Each tender must be accompanied by a receipt from the Bank of Bombay for a sum of five (5) lakhs of Rupees as a deposit, and the terms of payment will be as follows :—

13th.—Persons who have given in tenders must appear at the Office of the Secretary to Government, Public Works Department, at 12 o'clock noon on Monday the 19th March 1866, and the person whose tender may be accepted, will be required at the time of acceptance (that is, on the noon of the day aforesaid) to pay such a sum as with the said sum of five lakhs already deposited, will make up a sum equal to twenty-five per cent. of the total price, and if the successful tenderer fails to make this payment, his deposit of five lakhs will be forfeited, and the Government may, if they so please, accept any other tender.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the purchase money remaining unpaid at the rate of 5 per cent. per annum from the 15th March 1866) must be paid on or before the 15th March 1867.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the unpaid purchase money at 5 per cent. per annum from the 15th March 1867) must be paid on or before the 15th March 1868.

The balance of twenty-five per cent. of the purchase money (with interest thereon at the rate aforesaid from the 15th March 1868) must be paid on or before the 15th March 1869.

14th.—The Bank of Bombay receipts deposited by the persons whose tenders are not accepted, will be returned at noon on the 19th March 1866.

15th.—Government do not bind themselves to accept the highest or any tender.

16th.—Any further information that may be required may be obtained on application at the Office of the Secretary to Government, Public Works Department, between the hours of 11 A. M. and 3 P. M. on and after the 15th day of January 1866.

By order of His Excellency the Governor in Council,

W. KENDALL, *Colonel*, R. E.,
Acting Secy. to Govt.,
Public Works Department.

BOMBAY CASTLE,
2nd January 1866.

NOTICE No. 1.

Sealed Tenders will be received by the Executive Commissariat Officers at Dinapore and Hazareebaugh up to 4 P. M. of the 3rd March 1866, and opened at noon, on the 5th March 1866, in presence of all parties who may choose to attend for the supply by contract, from 1st May 1866 to 30th April 1867, of the under-mentioned articles in the Dinapore Division.

No Tenders will be received except in forms obtainable from this Office or from Commissariat Office, Hazareebaugh.

Parties desirous of tendering will be furnished with all particulars on application to the Commissariat Offices of Dinapore and Hazareebaugh.

Potatoes.	Milk and Butter.
Yams.	Bazar Medicines.
Vegetables.	Hospital Necessaries.
Salt.	Do. Miscellanies.
Firewood.	Chickens and Eggs.
Coffee.	Hospital Comforts.
Tinning Cooking Utensils.	Barrack Miscellanies.

H. R. WROUGHTON,
Offg. Depy. Asst. Commsy. Genl.

DINAPORE;
EXE. COMST. OFFICE,
The 1st February 1866.

In the Press.

A Hand-book shewing the Leave, Pay, Deputation, Travelling Allowances, and Pensions claimable by Covenanted Civilians, Military and Medical Officers in Civil employ, Ecclesiastical, Marine, and Uncovenanted Officers.

BY R. C. TULLOH,
Examiner of Claims.

Price 3 Rupees a copy, exclusive of postage to Mofussil Subscribers. Applications to be made to the Compiler, Treasury Buildings, Calcutta.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XV, corrected in the Office of the Adjutant General up to the 1st of January, is now ready. This Number contains the List of War Services of Officers. Price Five Rupees *in advance*, and eight annas extra if sent by post. Apply to

CALCUTTA,
6, *Bankshall Street.* O. T. CUTTER, *Publisher.*

WANTED

A Second Master for the Sehore School, salary Rs. 150 per mensem.

Apply, forwarding testimonials, &c., to
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CENTRAL INDIA.

N. B.—In the event of the successful candidate being married, and his wife capable of teaching English, Sewing, &c., she would be appointed Head Mistress of the Sehore Girls' School on a salary of Rs. 45 per mensem.

NOTICE.

Whereas it appears that land is required to be taken up at the public expense for a public purpose in the District of Lucknow, viz., for a new District Jail, and for the erection of a house for the Superintendent of Prisons, it is hereby notified that land to the extent and in the villages noted below, with the buildings thereon, is required for the said purpose :—

This declaration is made under Section 2, Act VI of 1857.

Pergunnah.	Village.	Culturable.	Unculturable.	Total quantity of land required.
		A. R. P.		A. R. P.
Lucknow ...	Husnapore ...	11 3 20		73 2 15
Ditto	Ahmedpore ...	15 2 20		
Ditto	Bagh Dwarkadass ...	46 0 15		

C. W. HUTCHINSON, *Lieut. Colonel*, R. E.,
Offg. Secy. to Chief Commr., D. P. W., Oudh.

LUCKNOW,
The 3rd February 1866.

Statement of Government Promissory Notes enfaced for Payment of Interest in London, showing the total amount outstanding according to the Registers received in this Office up to 5th February 1866.

	4 per cent. Transfer of 1865.	4 per cent. of 1824-25.	4 per cent of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Comptroller General's Statement dated 1st January 1866 ...	12,79,200	48,000	300	23,71,700	24,48,500	1,12,25,900	82,86,400	36,72,500	5,14,48,900	3,13,87,600	17,600	16,000	11,22,02,600
ADD—													
Amount enfaced at Madras, as per Registers received up to date	...	...	...	...	..	8,000	21,500	2,500	98,200	25,500	...	...	1,55,700
Amount enfaced at Bombay, as per ditto ...	...	...	...	...	8,500	10,300	27,000	19,500	57,000	1,50,900	...	...	2,73,200
Amount enfaced at Calcutta up to date	5,90,100	...	...	...	9,000	15,900	1,14,000	2,24,400	2,11,500	1,52,200	...	...	13,17,100
Total ...	18,69,300	48,000	300	23,71,700	24,66,000	1,12,60,100	84,48,900	39,18,900	5,18,15,600	3,17,16,200	17,600	16,000	11,39,48,600
DEDUCT—													
Amount removed from the London Books as per Registers received up to date	10,400	...	...	2,000	5,600	95,800	1,02,800	10,500	8,11,300	5,56,300	...	...	15,94,700
Total ...	18,58,900	48,000	300	23,69,700	24,60,400	1,11,64,300	83,46,100	39,08,400	5,10,04,300	3,11,59,900	17,600	16,000	11,23,53,900

PUBLIC DEBT OFFICE;
BANK OF BENGAL,
The 14th February 1866.

GEO. DICKSON,
Secretary and Treasurer.

IN THE DEHLIE COURT OF BANKRUPTCY.

Notice is hereby given that Mr. William Hamilton Marshall, Merchant of Dehlie, has been this day adjudicated Bankrupt, and that Friday, the 9th day of March 1866, is the day appointed for the meeting of Creditors, the appointment of a Creditors' Assignee, and the hearing of the Bankrupt's petition for discharge.

All Creditors intending to oppose the Bankrupt's discharge, must give notice thereof by a petition written on eight anna stamped paper, containing the grounds of their opposition, and an enumeration of any witnesses they may wish to be summoned. Such notice must be filed at least three days before the day appointed for the meeting.

The Schedules of the Bankrupt are open for the inspection of Creditors in the Office of the Official Assignee at the Court.

Registration of claims against the Bankrupt may be obtained by presenting an application on eight-anna stamped paper containing a statement of the same, verified and signed by applicant.

Creditors living at a distance may obtain registration by forwarding by post a statement of their claim, written upon eight anna stamped paper, and verified on oath before a Judicial Officer.

W. COLDSTREAM,
Commr. in Bankruptcy.

DEHLIE,
The 31st January 1866.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

NOTICE.

Required for the Rajshahye Collectorate an Accountant thoroughly conversant with the rules of practice adopted in the Accountant General's Office.

The applicant must possess a knowledge of English, and produce testimonials of qualification and good character. Salary Rs. 35 per mensem.

D. CUNLIFFE,
Collector.

RAJSHAHYE COLLR.'S OFFICE;
CAMP GODAGAREE,
The 12th February 1866.

NOTICE.

Stolen or lost a Government Promissory Note No. 5615 of P. W. Loan of 1854-55, for Rs. 1,000, standing in the name of Suddashib Biswas, interest on which is due from April 1860, and for a duplicate of which application has been made to Government.

DEGUMBERY DOSSEE,
Widow of Suddashib Biswas.

NOTICE.

Mr. Charles Peel is authorized to sign our Firm per procuration.

MOSLEY and HURST.

16th February 1866.

LOST

Right half of Government Currency Note No. $\frac{A}{15}$07988.

M. GREGORY AND CO.

LOST.

The 1st half of G. C. Note for Rs. 50, No. $\frac{A}{11}$78924.

LOST.

First halves of two Government Currency Notes, Nos. $\frac{A}{15}$16493, $\frac{A}{15}$17666 (Calcutta Circle), for Rs. 500 each.

First half of No. $\frac{A}{15}$20459 (Allahabad Circle), for Rs. 500.

KISSORY MOHUN ROY.

LOST,

Through the Post Office, the right half of Bank Note, Rs. 100, No. $\frac{A}{14}$02486.

RANKEN & CO.

LOST.

The first half of Currency Note No. $\frac{A}{11}$60378, for Rs. 50.

LOST.

Half Note, Bank of Bengal, No. $\frac{B}{9}$9505, for Rs. 25.

Half Note, Government Currency, No. $\frac{A}{9}$37293 for Rs. 20.

Half Note, Government Currency, No. $\frac{A}{11}$54320, for Rs. 50.

GIBSON & CO.
23, *Cossitollah.*

LOST.

The second half of a Government Currency Note for Rs. 100, No. $\frac{A}{15}$ 59817.

LOST.

2nd half of Government Currency Note, No. $\frac{A}{15}$47043, for Rs. 10.

LOST.

The second halves of the following four Government Currency Notes between Gowhatty and Nowgong, viz. :—

Nos. $\frac{A}{15}$30076, 33105, 55564, for Rs. 100 each, and No. $\frac{A}{7}$06080 for Rs. 10.

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LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.

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At 3 months' notice,		3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

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If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

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On Gold, Silver, and Sovereigns, ¼ per cent.

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The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

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Any further information as to rules of business may be obtained on application to the Manager.

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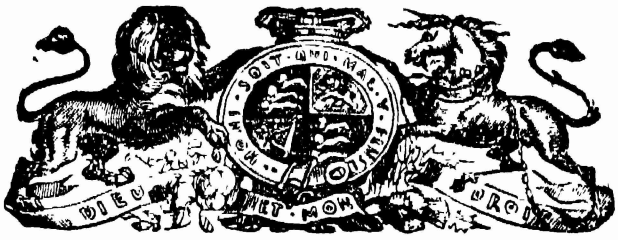

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, FEBRUARY 17, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 9th February 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

The Hon'ble George Ross.

ARMS ACT CONTINUANCE BILL.

The Hon'ble MR. MAINE introduced the Bill to continue Act No. XXXI of 1860 (relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases) and for other purposes, and moved that it be referred to a Select Committee, with instructions to report in a fortnight. He said that it was originally his intention, after giving ample time to the Council to consider the papers which had been circulated, to pass the Bill under suspension of the standing orders without reference to a Committee. But he had had conversations with several Members of the Council, particularly with the Hon'ble Mr. Gordon, and he found that that Hon'ble Member, whose experience in the working of the Act was considerable, thought that it might be usefully amended in various minor particulars. He (Mr. Maine) should be sorry to make any alterations in an Act which seemed to have been carefully prepared and which had been sharply criticised at the time of its enactment. But he was himself desirous to refer the Bill to a Committee, partly because it was desirable to follow the Rules for the Conduct of Business and partly because he had introduced a Section empowering the Magistrates to grant licenses subject to such conditions as they might consider necessary.

He did not commit himself to unreserved approval of what was called in the papers Mr. Forbes' condition. But he thought that licenses to carry arms might often be usefully granted on such conditions, or on one slightly modified from Mr. Forbes' form. Mr. Maine did not share in the alarm of those who thought that the measure would be rendered nugatory by the local officers granting fanciful or capricious licenses. The Local Government could by proper action secure that such licenses should not be granted.

The Hon'ble MR. MUIR said that, before the Bill went to Committee, he should like to say a few words regarding a point little touched upon in the reports which had been circulated, namely, the defenceless state in which the people in outlying

tracts might be placed by a too stringent enforcement of the law.

He fully and entirely agreed in the great advantages which the country had gained by the measure which it was intended to perpetuate. He fully agreed that it had already caused a greater amenity of manners among the people; that habits of ferocity and violence formerly prevailing among the criminal population had been ameliorated; that security of life and property had been promoted, and peaceful and industrious pursuits advanced. He had had some opportunity of observing the results of the measure in the districts to which disarming operations had been extended. The mass of arms taken from the people in the process of disarming was enormous. The purposes to which these had been turned were sometimes curious. In one district the barrels of matchlocks had been used for the construction of a record room; and in looking at the long array of racks thus formed, like an armoury, out of warlike weapons, one could not help reflecting on the immense amount of arms which had been in the possession of the people, and the deeds of violence and bloodshed to which they might have been turned in times of disquietude or rebellion. Elsewhere large sums had been realized from the sale of broken up swords, spears and other arms; the money thus obtained was not appropriated by Government, but had been usefully employed in works of benefit to the people. From this fund a large and handsome building had been erected, for example, at Allahabad, as the traveller might see, constructed according to the design of his friend the Secretary in the Home Department, then Magistrate, for the accommodation of witnesses and other persons attending the Courts.

Considering the vast amount of arms which had been given up by the people, the use to which they were formerly turned, and the change of habits which had come over the population since their disarmament, he (Mr. Muir) considered that the advantages resulting from that operation had not been over-stated. One might almost say the proverb had been fulfilled, that swords had been turned into plough-shares and spears into pruning-hooks. Emphatically the arts of war and violence had given place to the arts of civilization and peace.

MR. MUIR also agreed in what had been said about the increase of wild animals in many of the districts where the disarming operations had been carried on. But the provisions made in the Bill would meet this objection. At the same time, there might be a danger lest conditions should be capriciously introduced into licenses by Magistrates; but no doubt care would be taken in administering the Act to avoid unnecessary interference with the people in this respect. The Local Governments might be trusted to watch the working of the Act and prevent any arbitrary action of the kind apprehended.

But it was not only from wild animals that men deprived of their arms would be exposed to attack and injury in life and property. They were exposed to danger from robbers, dacoits or other bands of armed men.

We had taken away arms from the people and had left them defenceless. We had prohibited the people from the practice of arms, and made them forget their use. Formerly, we could say in times in difficulty, when obliged to withdraw our outposts—"You have swords and matchlocks; you can use them at least from behind your walls, and you must protect yourselves as best you can." We are no longer able to say that; we have withdrawn their arms and left the people defenceless.

In those parts of the country which he might term the interior districts, those namely that were fully and permanently protected by our Police and Military posts, Mr. Muir did not think that this objection had any weight. The Government must accept the position that they are responsible for the defence and security of the people. There was, he believed, only one Officer (the Magistrate of Goruckpore) who had urged the objection. In arguing against the continuance of the Act, that Officer had said:—

"If the whole population were to be allowed according to their means to purchase and keep arms, no great danger is, I think, likely to arise in a political point of view, whereas there would be less chance of a few lawless persons being able to attack and plunder villages as is now done. Dacoities would not, I think, be so frequent if the mass of the people were not so defenceless as they are."

This, however, had been well met by Mr. Batten, the Commissioner of Agra, where he said:

"Of course Magistrates must be careful to see that the predatory classes do not gain the upper hand of the honest classes by the loss on the part of the latter of the means of defence."

That was the true state of the case. The Government must recognize the obligation (having deprived the people of the means of protecting themselves) of providing at all times and under all circumstances for the tranquillity of the country. The people, on their part, must accept the altered state of circumstances, and recognize the new regimé as upon the whole conferring vastly greater advantages than the old; seeing that it promoted to the utmost the peace and happiness, the civilization and prosperity of the country.

These remarks had reference to what he (Mr. Muir) had termed the interior districts. But there were parts of the country adjoining Native States where the population was exposed to incursions and lawless attacks from armed robbers or enemies; and where especially in times of disquiet and commotion they would always from their very situation be liable to raids of this nature, and be beyond the power of ordinary defence from us. We have deprived them of the means of defending themselves, and yet we leave them in the power of men who possess arms and practise their use, and may at any time attack them. Mr. Muir did not think that our subjects thus situated should be placed at so great a disadvantage. It was quite true that such localities had not been generally subjected to the disarming process. But at the same time they were fully amenable to those parts of the law which required a license to warrant their carrying arms without question by the Police. He would refer to the passages in the district reports which touched on this subject. And he might notice in passing that the infrequent mention of the topic in these papers was a remarkable proof of the profound security which prevailed throughout the empire.

The Commissioner of the Agra Division said:—

"The Magistrate of Muttra reports that, east of the Jumna, every village was disarmed; but to the west of the river only 15 Goojur villages, and the towns of Muttra and Bindrabun, were disarmed, and all the other villages were allowed to retain their arms—one of the causes being the

neighbourhood of the independent State of Bhurtpore; *but the people were not allowed to carry them without a license, and were only to keep them in their houses.*"

If they were allowed only to keep their arms in their houses, and not carry them and use them, they would soon altogether forget their use, and in time of danger would be unable to protect themselves, except under very great disadvantages, against their neighbours who were in the constant use and practice of arms.

So also at page 20 the Commissioner of the Allahabad Division said :—

"In localities infested with wild animals, or even liable to raids from dacoits, free permission has been accorded for the carrying of arms. The only restriction placed on the inhabitants of such places has been a demand for information as to the number and nature of the weapons required."

Here there would appear to be given a larger license than in the district of Muttra.

So the Commissioner of the Benares Division wrote :—

"In Mirzapore, the Arms' Act is only partially introduced, that portion south of the Ganges being unaffected under the terms of the Governor-General's Notification No. 5326, dated 21st December 1858."

And the Commissioner of Jhansi said :—

"Possession of arms is unrestricted, and, as a matter of fact, the people have plenty of both swords and matchlocks. *Wearing arms is prohibited without a license, and the effect of the prohibition is obviously beneficial in many ways.*"

Of course the prohibition was beneficial in certain parts of Jhansi, as in the larger cities and towns, and should be continued there. But in the outlying and exposed positions, there ought to be no restriction against the carrying of arms; that ought to be allowed without any license.

As we were now prolonging the Act indefinitely, it appeared to him (Mr. Muir) that this point should not be overlooked. It might be met by empowering the local authorities, under proper sanction, to give not merely individual and personal licenses for carrying arms, but to grant a local license or exemption in respect of certain villages or tracts, which would enable all within such limits to carry arms.

If this suggestion were deemed worthy of attention, it could be taken up by the Select Committee to whom the Hon'ble Introducer of the Bill had just moved that it should be referred. And he (Mr. Muir) would only repeat that he entirely concurred in the general purport of the Bill.

The Hon'ble Mr. Maine said that it seemed to him that the observations of his Hon'ble friend were entitled to great consideration. As far as he could understand him, his Hon'ble friend thought that not only classes but districts and villages should be exempted. Mr. Maine thought the words of the Act sufficiently wide to admit of such exemptions, and his present impression was that all that was necessary was an administrative order.

He would, however, examine the suggestion in Committee, and, if necessary, consent to it. So far as he understood the proposed amendment, he at present fully agreed to it.

The Motion was put and agreed to.

Criminal Procedure Act Amendment Bill.

The Hon'ble Mr. Maine also introduced the Bill to amend Act No. XXV of 1861 (for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter), and moved that it be referred to a Select Committee, with instructions to report in a fortnight. He said that the Council would recollect that this Bill was intended to remedy some slight defects in the Code of Criminal Procedure, which provides that certain offences that might well be tried by Magistrates of a lower grade should only be tried by Magistrates of a higher grade. Of course it would be understood that, if the punishment required to be inflicted was greater than a subordinate Magistrate was competent to award, the case would be sent up to be dealt with by a Magistrate of the higher grade. The Bill had been introduced at the representation of the Governments of Bengal, Madras, and Bombay, and the Government of the North-West also thought that some such measure was necessary.

The Motion was put and agreed to.

Pleaders and Mookhtars' Act Extension (N. W. P.) Bill.

The Hon'ble Mr. Maine also introduced the Bill to extend Act No. XX of 1865 (to amend the law relating to Pleaders and Mookhtars), to the Sudder Court of the North-Western Provinces, and moved that it be referred to a Select Committee, with instructions to report in a fortnight. He said that this Bill was introduced at the instance of the Sudder Court of the North-Western Provinces, and, as he had before explained, it was only necessitated by the establishment of the High Court of the North-West having been delayed longer than was anticipated. From information lately received, which he believed to be trustworthy, he had doubts whether the Bill would ever come into operation. The Letters Patent for the High Court to be established in the North-West Provinces were little less advanced than the new Letters Patent for the High Courts in the Presidency Towns. Still there was no harm in referring the Bill to a Committee. It had been sent up to the Sudder Court of the North-West, and he had no doubt that, before the time for report arrived, the Council would be in receipt of their opinion on the measure.

The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to continue Act No. XXXI of 1860 (relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases) and for other purposes—The Hon'ble Colonel Durand, the Hon'ble Messrs. Muir and Gordon and the Mover.

On the Bill to amend Act No. XXV of 1861 (for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter)—The Hon'ble Mr. Grey, the Hon'ble the Mahárájá of Vizianagram, the Hon'ble Mr. Gordon and the Mover.

On the Bill to extend Act No. XX of 1865 (to amend the law relating to Pleaders and Mookhtars), to the Sudder Court of the North-Western Provinces—The Hon'ble Messrs. Grey and Taylor, the Hon'ble Rájá Sahib Dyál Bahádur and the Mover

The Council adjourned till the 16th February.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

CALCUTTA,
The 9th February 1866.

PUBLIC WORKS DEPARTMENT.

Traffic Returns, Punjab Railway.

Quarterly Abstract of Comparative Returns of Traffic on the Punjab Railway. (In continuation of Abstract published in Supplement to the GAZETTE OF INDIA, *dated 25th November* 1865.*)*

Week ending.	Receipts in 1865.	Receipts in 1864.
Length open, 253 *miles in* 1865, 45 *miles in* 1864.	Rs.	Rs.
8th October	15,606	3,392
15th do.	15,358	5,078
22nd do.	15,836	7,156
29th do.	13,888	4,917
5th November	18,544	6,142
12th do.	14,930	3,166
19th do.	16,873	2,918
26th do.	18,611	2,485
3rd December	26,005	4,120
10th do.	24,484	2,818
17th do.	22,831	2,561
24th do.	19,829	2,649
31st do.	18,254	6,679
Total Receipts	2,41,049	54,081
Averages, Weekly	18,542	4,160
Averages, Weekly, per mile open	73	92

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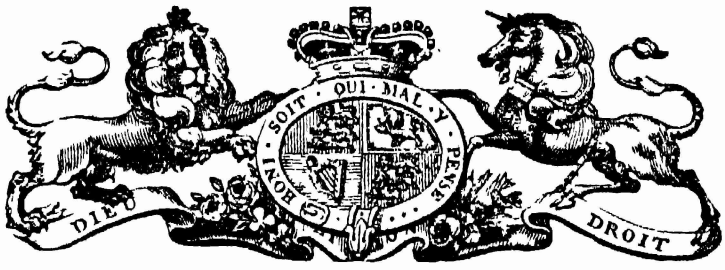
No. 8.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 24, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th February 1866, and is hereby promulgated for general information :—

Act No. IV of 1866.

An Act to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies.

Preamble.

Whereas it is expedient to amend the constitution of the Court of the Judicial Commissioner of the Punjab and its Dependencies, and to invest the Judges of the Court constituted under this Act with an original jurisdiction for the trial of certain Civil and Criminal cases; And whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is enacted as follows :—

Interpretation of terms.

1. In this Act, unless there be something repugnant in the subject or context—

"Punjab."

"Punjab" means the Territories for the time being under the Government of the Lieutenant-Governor of the Punjab and its Dependencies.

"Lieutenant-Governor."

"Lieutenant-Governor" means the Lieutenant-Governor for the time being of the Punjab.

"Chief Court."

"Chief Court" means the Chief Court of the Punjab constituted under this Act.

"Judge," "Registrar."

"Judge," "Registrar," and other words denoting any particular Officer respectively include any person for the time being authorized to act as such Judge, Registrar or other Officer.

"Magistrate."

"Magistrate" denotes any person exercising any of the powers of a Magistrate as defined in the Code of Criminal Procedure.

"Barrister."

"Barrister" includes Barristers of England or Ireland, and Members of the Faculty of Advocates in Scotland.

"Section."

"Section" denotes a Section of this Act.

Number.

Words in the singular include the plural: words in the plural include the singular.

Gender.

Words importing the masculine gender include females.

Constitution of Chief Court.

2. The Court constituted under this Act shall be styled the Chief Court of the Punjab, and shall consist of two or more Judges, who shall be appointed by the Governor General of India in Council, and of whom one at least shall always be a Barrister of not less than five years' standing: Provided that the person who at the time of the constitution of the Chief Court shall be the Judicial Commissioner of the Punjab, shall become a Judge of such Court without further appointment for that purpose.

Precedence of Judges of Chief Court.

3. The Judges of the Chief Court shall have rank and precedence in the Court according to the seniority of their appointments as such Judges.

Tenure of office of Judges of Chief Court.

4. The Judges of the Chief Court shall hold their offices during the pleasure of the Governor General of India in Council.

5. Previously to entering on the execution of the duties of his office, every Judge appointed under this Act shall make or subscribe the following declaration before the Lieutenant-Governor or such authority or person as he may commission to receive the same :—

Declaration to be made by persons appointed Judges of Chief Court.

"I, A. B., appointed Judge of the Chief Court of the Punjab, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. The Judges of the Chief Court with the sanction of the Lieutenant-Governor may, from time to time, appoint a person to be the Registrar of the said Court. The Registrar shall be the principal Ministerial Officer of the Court, and shall have such powers, and perform such duties, as shall be given and assigned to him by the Court by any rule duly made by the Court under the forty-fourth Section.

Appointment of Registrar.

7. The Judges of the Chief Court may, from time to time, and subject to any rules and restrictions which may be prescribed by the Governor General of India in Council, appoint a Deputy Registrar and such and so many Clerks and other Ministerial Officers as shall be found necessary for the administration of justice by such Court, and the due execution of the powers and authorities given to it by this Act.

Appointment and removal of Ministerial Officers.

8 Every Officer appointed under either of the last two preceding Sections shall be liable to dismissal by order of the Chief Court: Provided that neither the Registrar nor Deputy Registrar shall be removed from office without the sanction of the Lieutenant-Governor.

Dismissal of Officers of Court.

9. The Chief Court shall have, and use as occasion may require, a Seal with this inscription, "The Seal of the Chief Court of the Punjab," to be made under the directions of the Lieutenant-Governor; and all summonses, decrees and other process issuing out of the Court shall be stamped with such Seal, and signed by a Judge or the Registrar or Deputy Registrar of the Court.

Seal of Chief Court.

Processes to be sealed with Court Seal, and signed by Judge or Registrar.

10 Any person duly authorized by the Secretary of State for India in Council to appear, plead or act on his behalf; (2) any suitor appearing, pleading or acting on his own behalf or on behalf of a co-suitor; (3) any person who, for the time being, is an Advocate, Vakeel or Attorney-at-law of any of the High Courts of Judicature in India or of the Sudder Court of the North-Western Provinces,—shall be permitted to appear and act as the Pleader of any suitor in the Chief Court in any suit or touching any matter whatever. Save as aforesaid, no person shall be permitted to appear or act as the Pleader of any suitor in the Chief Court in any suit or touching any matter whatever, unless such person shall have been previously licensed by the Court to act for the suitors of Such Court generally, or specially for the particular occasion. It shall be lawful for the Judges to make rules for the qualifications and admission of proper persons to act as Pleaders in the Court.

Agent for Secretary of State, suitors and Advocates, &c., of High Courts may appear and plead.

Licensing of Pleaders.

Rules regarding their qualifications and admission.

11. The Chief Court may for sufficient reason revoke any license which the Court shall at any time grant to any person to act generally or specially as a Pleader under this Act, and may for sufficient reason suspend any person whatsoever from appearing or acting as a Pleader in any suit, or touching any matter.

Power to suspend or revoke Pleaders' license.

12. The fees to be received by any Pleader, other than an Advocate of a High Court, shall be subject to the order and control of the Court, and no fees shall be recoverable by any such Pleader except such fees as shall be allowed under the forty-fourth Section.

Fees of Pleaders to be subject to control.

13. The Chief Court shall be the highest Court of Appeal from the Civil and Criminal Courts in the Punjab, and shall (subject to the provision hereinafter contained) be the only Court exercising appellate jurisdiction in such cases (whether relating to the title or succession to land or to the possession or any right in respect of land or otherwise) as are subject to appeal to the highest Civil and Criminal Court in the Punjab, by virtue of any law or practice now in force, or as shall become subject to appeal to the Chief Court by virtue of any law hereafter made by the Governor General of India in Council. Provided that when a Settlement of Land Revenue shall be in progress, and the Local Government, under Act No. XIX of 1865 *(to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies)* shall have invested the Financial Commissioner of the Punjab with the power of a Court of final appeal in any class of suits regarding land, or the rent revenue or produce of land, the jurisdiction of the Chief Court shall, so far as regards such class of suits, be barred during the continuance of the power with which such Commissioner shall have been so invested.

The Chief Court to be the ultimate Court of Appeal from the Civil and Criminal Courts in the Punjab.

14. The Chief Court may remove and try and determine as a Court of original jurisdiction any suit being or falling within the jurisdiction of any Court subject to its superintendence when the Chief Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice.

Extraordinary original Civil jurisdiction.

15. The Chief Court may withdraw any suit or appeal from any Court subject to its superintendence other than a Court of Small Causes or a Court of a Cantonment Magistrate, and refer such suit or appeal for trial to any other

Power to transfer suits and appeals from one subordinate Court to another.

subordinate Court competent in respect of the value or amount of the suit to try the same.

Power to call for record of cases decided by subordinate Courts.

16. The Chief Court may call for the record of any case decided by any Court of Small Causes, or on appeal by any Court subject to its superintendence in which no appeal shall lie to the Chief Court, if such Court of Small Causes or subordinate Court in hearing the appeal shall appear to have exercised a jurisdiction not vested in it by law.

Special appeal from Courts in Punjab to lie only to Chief Court

17. All special appeals preferred after the date on which the Chief Court is established, from the decrees of Civil Courts of whatever grade in the Punjab, shall lie to and shall be heard by the Chief Court only, and not by any other Court.

Regulation of proceedings in Civil suits

18. Save as in this Act is otherwise provided, the proceedings in the Chief Court in Civil suits of every description between party and party shall be regulated by the rules relating to Civil Procedure for the time being in force in the Punjab.

In exercise of its Civil jurisdiction, law of the local Courts to apply

19. In the exercise of its Civil jurisdiction, Original as well as Appellate, such rules of law or equity and good conscience shall (until otherwise provided) be applied by the Chief Court in each case coming before it, as would have been applicable to such case by any local Court having jurisdiction therein.

Power to try European British subjects.

20. The Chief Court shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial; and from the date on which this Act shall come into operation, no commitment of a European British subject for trial by a High Court of Judicature, shall be made by any Court or Officer in the Punjab; but every commitment which, if this Act had not been passed, could have been made to a High Court, shall be made to the Chief Court. Whenever any such European British subject shall be committed or bailed for trial before the Chief Court, the Chief Court shall direct at what place within the limits of its jurisdiction the trial shall be held.

Charge to be delivered to Registrar with commitment of European British subject

21. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any European British subject for trial before the Chief Court, shall, together with the record of the preliminary enquiry and all recognizances and other documents and any weapon or article of property connected with the case, deliver to the Registrar of the Chief Court a written instrument of charge signed by him, stating for what offence such European British subject is so committed or held to bail.

Chief Court to consider, and, if it will, to amend, alter or add to the charge.

Charge with amendments, alterations or additions (if any) to be recorded.

22. The Chief Court shall consider the charge, and may, if it appear necessary or expedient so to do, amend, alter or add to the same. The charge, with such amendments, alterations or additions, if any, shall be recorded in the Chief Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations or additions (if any) gratis.

Accused to have copies of examinations.

23. The person charged shall also, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same, not exceeding one anna for each folio of ninety words.

Effect of charge.

24. Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the Chief Court in due course of law, and (subject to the provisions contained in the Code of Criminal Procedure as to the amendment and alteration of charges, and subject also to the provisions of the next following Section) shall be tried upon the charges so recorded.

Chief Court may order an unsustainable charge not to be proceeded with.

Effect of such order.

25. When any such charge shall have been recorded in the Chief Court as aforesaid, and shall at any time before the commencement of the trial of the person charged appear to the Chief Court to be clearly unsustainable, an entry to that effect may be made on the charge by a Judge of the Court. Such entry shall have the effect of staying proceedings upon the charge, but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

Places of holding sittings.

26. The Chief Court shall ordinarily hold its sittings at the seat of Government of the Punjab: but it may from time to time, with the approval of the Lieutenant-Governor, hold sittings at such other places in the Punjab as shall seem convenient. Due notice shall be given beforehand in the Official Gazette of all sittings intended to be held for the trial of cases in the exercise of the original Criminal jurisdiction of the Court.

Procedure pending directions of Chief Court as to place of trial of European British subject.

27. Pending the directions of the Chief Court as to the place of trial, every such European British subject as is referred to in the twenty-first Section shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal jail in which he can be most

conveniently confined. If the trial shall be directed to be held at the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the jail at such place. If the Chief Court shall direct that the person charged be tried elsewhere than at its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial at the place directed, or shall, if necessary, cause him to be removed to the Criminal jail of or nearest to the place at which he is directed to be tried; and the Officer in charge of such Criminal jail shall keep him in safe custody until discharged in due course of law.

Chief Court may order European British subjects committed in certain Districts in certain seasons of the year to be tried at a particular place and confined in a particular jail.

28. It shall be lawful for the Chief Court to direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court, or to direct that they shall be tried at a particular place named, and also to order that such European British subjects shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

Trials under Section 20 to be by Jury.

29. All trials under the twentieth Section shall be by Jury.

Summoning of Jurors to serve on trials.

30. Whenever the Chief Court shall have given notice of its intention to hold sittings at any place (whether at the seat of Government of the Punjab or otherwise) for the exercise of its original Criminal jurisdiction, the Court of Session at such place shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall, if it shall think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident within ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of European British subjects charged with offences before the Chief Court as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or for any other special Military reason. The Juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure, and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if no such Officers have been summoned, then solely from the persons summoned under the same Sections.

Military men not exempt.

Jury for trial of European British subject.

31. If any European British subject charged as aforesaid shall so require before the Jury shall be empannelled, the majority of the Jurors shall consist of Europeans or Americans or both Europeans and Americans.

Number of Jury requisite to verdict of guilty.

32. On every trial of an European British subject under this Act, the Jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

Portions of Section 380 of Criminal Procedure Code not to apply to sentences by Chief Court.

33. So much of the three hundred and eighteeth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by the Chief Court passed in the exercise of its original Criminal jurisdiction.

Portion of 26th Chapter of Criminal Procedure Code not to apply to sentences of Court.

34. So much of the twenty-sixth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form, shall not apply to judgments, sentences or findings in trials before the Chief Court acting in the exercise of its original Criminal jurisdiction; but the Chief Court shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as it shall think proper.

Power to single Judge to reserve for Chief Court any question of law or evidence.

35. When any person has been convicted of an offence before a Judge of the Chief Court acting in the exercise of its original Criminal jurisdiction, the Judge, if he think proper, may reserve for the decision of a Court consisting of such Judge and one or more other Judge or Judges of the Chief Court, any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail of the District or

Procedure where no such question reserved.

place in which the trial was held, and on the receipt of the warrant such Magistrate or other Officer shall proceed as provided in the three hundred and eighty-fifth Section of the Code of Criminal Procedure. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision thereon, be remanded to jail. If the decision on the question be adverse to the person convicted, the Court shall send a copy of its sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail to which the prisoner shall have been remanded, and such Magistrate or other Officer shall proceed as provided in the same Section.

Save as aforesaid, Criminal Procedure Code to apply to Juries, trials, sentences and execution.

36. Save as is hereinbefore otherwise provided, the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before the Chief Court acting in the exercise of its original Criminal jurisdiction and to trials before such Court and to sentences by such Court and to the carrying into execution of such sentences.

British subjects to be amenable for offences committed in foreign territory.

37. Every European British subject apprehended within the Punjab, or delivered into the custody of a Magistrate within the Punjab wherever apprehended, shall be amenable to the law for any offence committed by him within the territory of any Foreign Prince or State, and may be bailed or committed for trial as hereinafter provided on the like evidence as would warrant his being bailed or committed for trial for the same offence if it had been committed in the Punjab.

Committing Magistrate to report to the Lieutenant-Governor.

38. The committing Magistrate immediately and before the trial shall report the case to the Lieutenant-Governor, and shall obey the orders which he shall receive thereon, and the Lieutenant-Governor may order the trial to be had before the Chief Court.

If the offence is committed where there is a competent Court, Lieutenant-Governor may take steps to have trial there.

39. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by Officers acting under the authority of the Government of India, in which territory a Court competent to try the person charged is established by authority of the Governor General of India in Council, the Lieutenant-Governor may order such person to be conveyed in custody out of the Punjab for the purpose of delivering him up for trial before such Court.

Form of warrant of commitment and of bail-bond.

40. When the person charged is committed to custody, the form of the warrant shall specify the commitment to be until the orders of the Lieutenant-Governor can be received and acted on. When he is bailed, the form of the bail-bond shall be in the first instance to appear before the Magistrate on a certain day assigned, allowing reasonable time for the receipt of the orders of the Lieutenant-Governor, and on such subsequent days as the Magistrate shall from time to time require. If the Lieutenant-Governor shall order the person charged to be tried in the Chief Court, the Magistrate may cause the bail-bond to be renewed in the usual form to appear and take his trial in such Court.

Order of Lieutenant-Governor to be full authority.

41. In either case the special order of the Lieutenant-Governor shall be deemed full authority either for the trial of the person charged within the Punjab, or for conveying him in custody out of the Punjab as aforesaid.

Two Judges at least necessary to reverse or modify sentences or decrees of Sessions or Civil Judges.

42. No decree of any Civil Court shall be reversed or modified on appeal, and no sentence of any Criminal Court shall be reversed or modified on appeal or revision, save by the order of not less than two Judges of the Chief Court.

Chief Court may provide for exercise of the Court's jurisdiction by one or more of its Judges.

43. Save as herein otherwise provided, the Chief Court may by its own rules provide for the exercise, by one or more Judges, of the original and appellate jurisdiction vested in such Court, in such manner as may appear to such Court to be convenient for the due administration of justice.

Chief Court to superintend subordinate Courts, and to frame rules of practice for itself and such Courts.

44. The Chief Court shall have superintendence over all Courts which may be subject to its appellate jurisdiction, and shall have power to call for returns, to make and issue general rules for regulating the practice and proceedings of the Chief Court and of such subordinate Courts, to give and assign to the Ministerial Officers of the said Chief Court and subordinate Courts respectively such powers and duties as may seem fit, to frame and prescribe forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the Officers, and to settle Tables of Fees to be allowed to Pleaders, and from time to time to alter any such rule or form or table; and the rules so made, and the forms so framed, and the tables so settled, shall be published in the Official Gazette and after being so published shall be used and observed in the Chief Court: Provided that such general rules and forms and tables be not inconsistent with the provisions of this Act or any law in force, and shall before they are issued have received the sanction of the Lieutenant-Governor.

Provisions as to proceedings pending in Judicial Commissioner's Court.

45. The Chief Court shall have jurisdiction in all proceedings pending in the Court of the Judicial Commissioner of the Punjab at the time of the constitution of the Chief Court; and all previous proceedings of the Court of the said Commissioner shall be dealt with as if the same had been had in the Chief Court.

46. If the Chief Court shall consist of two Judges only, and if in any case heard by such Judges sitting together there shall be a difference of opinion between them, the following course shall be pursued, that is to say :—

Procedure in case of difference of opinion between Judges when Court consists of only two.

(*1st.*)—If the case be heard in appeal and the difference of opinion shall be on any question of fact in the finding of the Lower Court, the finding shall be upheld.

1st.—On appeal on a question of fact.

(*2nd.*)—If the difference of opinion shall be on a point of law or of usage having the force of law, the ruling of the Lower Court shall in such case also be upheld, unless one of the Judges shall be of opinion that the point is one which ought to be referred to the High Court of Judicature at Calcutta, in which case the Judges shall state the point as to which they differ, and forward such statement, with their own opinions respectively, to such High Court. The Chief Court may proceed in the case notwithstanding such reference, and may pass a decree contingent upon the opinion of the High Court on the point referred ; but no execution shall be issued in any case in which a reference shall have been made until the receipt of the order of the High Court.

2nd.—On appeal on a question of law.

(*3rd.*)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion shall be on a point of law or usage having the force of law, the Judges shall state the point on which they differ, and proceed as last hereinbefore provided. The same rule shall be observed when a difference of opinion may arise between two Judges of the Court upon a point of law reserved under the thirty-fifth Section.

3rd.—In exercise of original jurisdiction on a question of law.

(*4th.*)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion be on a question of fact, the opinion of the Senior Judge shall prevail, and he shall pronounce his decision as the decision of the Court.

4th.—In exercise of original jurisdiction on a question of fact.

47. Cases referred under this Act for the opinion of the High Court of Judicature at Calcutta shall be heard by not less than three Judges of that Court, and shall be determined according to the opinion of the majority of such Judges.

Hearing and decision of referred cases.

48. The parties to such cases may appear, plead and act in the said High Court in person, or by an Advocate or Vakeel of such High Court; and the High Court, when it has heard and considered the case, shall transmit a copy of its opinion under the seal of the Court and the signature of the proper Officer of the Court, to the Judges of the Chief Court. Costs, if any, consequent on the reference of a case for the opinion of the High Court, under the forty-sixth Section, shall be costs in the suit.

Parties may appear in person, or by Advocate or Vakeel.

Transmission of judgment of High Court and proceeding thereupon.

Costs of reference to High Court.

49. The Chief Court shall keep such registers, books and accounts, and submit to the Lieutenant-Governor such statements of the work done in the Court as may be required by him. The Chief Court shall also comply with such requisitions as may be made by the Governor General of India in Council or by the Lieutenant-Governor for certified copies of or extracts from the records of the Court.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

Copies of records to be furnished.

50. Save as is in this Act otherwise expressly declared, any function which is hereby directed to be performed by the Chief Court may be performed by any Judge or Judges thereof appointed in that behalf by any rule made under the forty-fourth Section.

Chief Court's functions exerciseable by single Judge.

51. Whenever the Lieutenant-Governor of the Punjab shall, under the authority vested in him by Section forty-seven of the Pleaders, Mookhtars and Revenue Agents' Act, 1865, extend the provisions of the said Act to the Territories under his Government, nothing in the said Act shall affect the provisions of Sections ten, eleven and twelve of this Act.

Sections 10, 11 and 12 not to be affected on extension to Punjab of Act XX of 1865.

52. Act No. XXVII of 1865 (*to make temporary provision for the decision of Civil Appeals in the Districts within the Lieutenant-Governorship of the Punjab*) is hereby repealed: Provided that all appeals which under the provisions of such Act shall be pending before the Financial Commissioner of the Punjab at the date of the passing of this Act may be heard and decided by him as if the present Act had not been passed.

Repeal of Act No. XXVII of 1865.

53. This Act may be cited as "The Punjab Chief Court Act, 1866."

Short title.

54. This Act shall come into operation on such day as the Governor General of India in Council shall fix by a Notification published in the Gazette of India.

Commencement of Act.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India.

Home Department (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight :—

No. 1 OF 1866.

A Bill to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and of Act No. XXIX of 1865.

Preamble.

Whereas it is expedient to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and of Act No. XXIX of 1865; It is enacted as follows :—

Power to Sudder Court North Western Provinces to make rules as to Pleaders and Mookhtars of such Court.

1. Notwithstanding anything contained in "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," the said Sudder Court shall have power to make rules for the qualification, admission and enrolment of proper persons to be Pleaders and Mookhtars of such Court, for the fees to be paid for the examination, admission and enrolment of such persons, and, subject to the provisons contained in the same Act, for the suspension and dismissal of the Pleaders so admitted and enrolled. The said Court may also from time to time vary and add to such rules.

Certain provisions contained in Act No. XX of 1865 to apply to Pleaders and Mookhtars practising in such Court.

2. The provisions contained in Sections 5 to 12 (both inclusive), 14, 15, 18, 37, 39 and 41 of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and in Sections 1 and 2 of Act No. XXIX of 1865, shall, *mutatis mutandis*, apply to Pleaders and Mookhtars practising in the said Sudder Court.

This Act to be read with Act No. XX of 1865.

3. This Act shall be read with and taken as part of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to extend certain provisions of Act No. XX of 1865 and the amending Act No. XXIX of 1865, to the Sudder Court of the North-Western Provinces. The Court was exempted from the former Act, as its conversion into a High Court was expected to occur before 1st January 1866, the day on which the Act came into operation: that conversion, however, has not yet taken place. The Judges of the Sudder Court wish to make rules under the Act for their Pleaders and Mookhtars, as well as to provide for the payment of the Pleaders' fees. The present Bill has been prepared so as to enable the Judges to carry their wish into effect.

H. S. MAINE.

The 30th January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight :—

No 2 OF 1866.

A Bill further to amend the Schedule annexed to the Code of Criminal Procedure.

Preamble.

Whereas it is expedient further to amend the Schedule annexed to the Code of Criminal Procedure; It is enacted as follows :—

Amendment of Schedule as regards Sections 277 and 278 of the Indian Penal Code.

1. In lieu of the word "ditto" in the patrs of column 7 of the said Schedule respectively referring to Sections 277 and 278 of the Indian Penal Code, there shall be read the words "Any Magistrate."

Amendment of Schedule as regards Section 325 of the Indian Penal Code.

2. In lieu of the words "Court of Session" in the part of such column referring to Section 325 of the Indian Penal Code, there shall be read the words "Any Magistrate."

Amendment of Schedule as regards Section 380 of the Indian Penal Code.

3. In lieu of the word "ditto" in the part of the said Schedule referring to Section 380 of the Indian Penal Code, there shall be read the words "Court of Session or any Magistrate."

Nothing in this Act to alter effect of the rest of the Schedule.

4. Nothing herein contained shall be taken to alter the effect of any other part of the said Schedule immediately before the passing of this Act.

This Act to be read with the Code of Criminal Procedure.

5. This Act shall be read with and taking as part of of the Code of Criminal Procedure.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to enable any Magistrate to try the following offences :—

Defiling the water of a public spring or reservoir :
Making the atmosphere noxious to health :
Voluntarily causing grievous hurt; and
Theft in a building, tent or vessel.

The reasons of the proposed change are these: *first*, as the law now stands, the time of the higher tribunals is needlessly taken up in trying cases which might well be dealt with by the lower grades of Magistrates; and, *secondly*, these offences being now often necessarily triable at a great distance from the place of their commission, the prosecutor and his witnesses are exposed to the hardship of a long journey, or the offence is hushed up to prevent that hardship.

H. S. MAINE.

The 30th January 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept., (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight:—

No. 3 OF 1866.

A Bill to continue Act No. XXXI of 1860 *(relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases) and for other purposes.*

Preamble.

Whereas Act No. XXXI of 1860 as continued by Act No. VI of 1865 will expire on the first day of October 1866; and whereas it is expedient to continue the said Act No. XXXI of 1860; and whereas it is desirable to render the license mentioned in the 26th and other Sections of the same Act grantable upon conditions; It is enacted as follows:—

Repeal of Act No. VI of 1865 and of part of Section 55 of Act No. XXXI of 1860.

1. Act No. VI of 1865 and the second Clause of Section 55 of Act No. XXXI of 1860 are hereby repealed; but the rest of such Act shall continue in force from the passing of this Act until the Governor-General of India in Council shall by an order published in the *Gazette of India* declare otherwise.

Rest of Act No. XXXI of 1860 continued.

Licenses to bear arms may be granted on conditions.

2. The license mentioned in Sections 26, 28, 29 and 30 of the said Act No. XXXI of 1860 may be granted by the Magistrate or other person specially authorized to grant the same, subject to such conditions, if any, as such Magistrate or other person shall think fit; and on breach of any such conditions, or failure to comply therewith, such license shall thereupon be null and void.

Short title.

3. This Act may be cited as "The Arms Act Continuance Act, 1866."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to continue Act XXXI of 1860, commonly known as the Arms' Act. An enquiry has been instituted throughout India as to the operation of the Act: the result is that, in the opinion of the Local Governments, the Act has worked excellently, that it has mitigated the character of crime over a great part of India, and that no Europeans and no Natives of approved loyalty have been disarmed under the Act. There is, however, some evidence that the disarming of the country has encouraged the multiplication of wild animals: the Bill therefore enables the Local Officers to make licenses to carry arms dependent on the performance of a condition. The conditions annexed may be such as to render it possible to issue licenses more freely than heretofore.

The Bill does not propose to perpetuate the existing Act, but merely to continue it until the Governor-General in Council shall otherwise order.

H. S. MAINE.

The 2nd February 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 16th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight:—

No. 4 OF 1866.

A Bill to repeal Act No. IV of 1855 *(for incorporating for a further period, and for giving further powers to the Assam Company).*

Preamble.

Whereas the Assam Tea Company is to be incorporated by a local Act of Parliament made and passed in the 28th and 29th years of the reign of Her Majesty, No. CXXIX; but, under or by virtue of the second Section of the said Act of Parliament, its operation is deferred until the expiration of two months next after the day of the passing by the Governor-General of India in Council of an Act to repeal the Act of the Legislative Council of India, No. IV of 1855; and whereas it is expedient to repeal the same Act in order that the said Act of Parliament may be brought into operation; It is hereby enacted as follows:—

Repeal of Act IV of 1855.

1. Act No. IV of 1855 is hereby repealed, except as to the repeal of Act No. XIV of 1854 effected thereby, and except as to contracts made, acts done, and liabilities incurred before the passing of this Act.

For two months the powers, rights and liabilities of Assam Company not to be affected.

2. For the period of two months next after the day of the passing of this Act, the incorporation, powers, rights and liabilities of the said Company shall continue as if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

The Assam Tea Company was originally incorporated by an Act of the Indian Legislature, No. IV of 1855. But in the last Session of the English Parliament the Company obtained a private Act of incorporation, 28th and 29th Vic., No. CXXIX, the second Section of which is as follows:—

"This Act shall commence and have effect on and after the expiration of two months next after the day of the passing by the Legislative Council of the Governor-General of India of an Act repealing the Society's Act."

It is desirable to bring the English Act into operation. The present Bill accordingly proposes to repeal the Indian Act. At the same time it bridges over the interval of two months by declaring that the incorporation, powers, rights and liabilities of the Company shall continue for that period.

H. S. MAINE.

The 6th February 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd February 1866, and is hereby promulgated for general information :—

ACT No. V OF 1866.

An Act to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.

Preamble.

Whereas it is expedient to provide a summary procedure for the recovery of money due on dishonoured Bills of Exchange, Hundís and Promissory Notes; and whereas inconvenience is felt by persons engaged in trade by reason of the laws of British India being in some particulars different from those of England in matters of common occurrence in the course of such trade; and whereas, with a view to remedy such inconvenience, it is expedient to amend the laws of British India as hereinafter is mentioned; It is enacted as follows :—

Interpretation Clause.

1. In this Act, unless there be something repugnant in the subject or context—

"British India."

"British India" shall mean the territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106 (An Act for the better Government of India).

"High Court."

"High Court" shall mean the High Court of Judicature at Calcutta, Madras or Bombay, as the case may be :

"Local Government."

And in every part of British India in which this Act shall operate, "Local Government" shall mean the person authorized by law to administer executive government in such part.

From and after 1st May 1866, in all suits upon Bills of Exchange, &c., if plaintiff desires to proceed under this Act, the summons shall be in the form given in the Schedule.

2. From and after the first day of May 1866, all suits upon Bills of Exchange, Hundís or Promissory Notes commenced in any High Court within six calendar months after the same shall have become due and payable, may, in case the plaintiff shall desire to proceed under this Act, be commenced as hereinafter is mentioned, (that is to say) the plaint shall be in the form prescribed by the Code of Civil Procedure; but the summons shall be in the form contained in the Schedule to this Act; and in any case in which the plaint and summons shall be in such forms respectively, it shall not be lawful for the defendant to appear to or defend the suit unless he shall obtain leave from a Judge as hereinafter mentioned so to appear and defend; and in default of his obtaining such leave or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by a rule of the High Court, unless the plaintiff claim more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be enforced forthwith.

Defendant showing a defence upon the merits to have leave to appear.

3. The High Court shall, upon application within the period of seven days from the service of such summons, give leave to appear and to defend the suit, upon the defendant paying into Court the sum mentioned in the summons or upon affidavits satisfactory to the Court, which disclose a defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise, as to the Court may seem fit.

Court may, under special circumstances, set aside decree.

4. After decree, the High Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to appear to the summons and to defend the suit, if it shall seem reasonable to the Court so to do and on such terms as to the Court may seem just.

Court may order Bill to be deposited with Officer of Court in certain cases.

5. In any proceedings under this Act, it shall be competent to the High Court to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all proceedings shall be stayed until the plaintiff shall have given security for the costs thereof.

Remedy for recovery of cost of noting non-acceptance of dishonoured Bill.

6. The holder of every dishonoured Bill of Exchange or Promissory Note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this Act for the recovery of the amount of such Bill or Note.

Civil Procedure Code and rules made thereunder to apply to proceedings under this Act.

7. The provisions of the Code of Civil Procedure, and all rules made under or by virtue of the said Code shall, so far as the same are or may be made applicable, extend and apply to all proceedings to be had or taken under this Act.

Local Government may extend Act.

8. It shall be lawful for the Local Government to direct that all or any part of the provisions in Sections 2 to 7, both inclusive, of this Act shall, *mutatis mutandis*, apply to all or any Courts or Court in the territories under such Government, other than a High Court, and within one month after such order shall have been made and published in the Official Gazette, such provisions shall extend and apply in manner directed by such order, and any such order may be in like manner from time to time altered and annulled. In and by any such order the Local Government may direct by whom any powers or duties incident to the provisions applied under this Act, shall and may be exercised with respect to matters in such other Courts or Court, and may make any orders or regulations which may be deemed requisite for

carrying into operation in such Courts or Court the provisions so applied.

Consideration for guarantee need not appear by writing.

9. No special promise to be made by any person after the passing of this Act to answer for the debt, default or miscarriage of another person, being in writing, and signed by the party to be charged therewith or some other person by him thereunto lawfully authorized, shall be deemed invalid to support a suit to charge the person by whom such promise shall have been made, by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

Guarantee to or for a Firm to cease upon a change in the Firm except in special cases.

10. No promise to answer for the debt, default or miscarriage of another made to a Firm consisting of two or more persons, or to a single person trading under the name of a Firm, and no promise to answer for the debt, default or miscarriage of a Firm, consisting of two or more persons, or of a single person trading under the name of a Firm, shall be binding on the person making such promise in respect of any thing done or omitted to be done after a change shall have taken place in any one or more of the persons constituting the Firm, or in the person trading under the name of a Firm, unless the intention of the parties, that such promise shall continue to be binding notwithstanding such change, shall appear either by express stipulation or by necessary implication from the nature of the Firm or otherwise.

Acceptance of a Bill, Inland or Foreign, to be in writing on it, and signed.

11. No acceptance of any Bill of Exchange, whether Inland or Foreign, made after the first day of May 1866, shall be sufficient to bind or charge any person, unless the same be in writing on such Bill, or, if there be more than one part of such Bill, on one of the said parts, and signed by the acceptor or some person duly authorized by him.

What are to be deemed "Inland Bills."

12. Every Bill of Exchange or Promissory Note drawn or made in any part of British India, and made payable in or drawn upon any person resident in any part of British India, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the stamp duty, if any, which, but for this enactment, would be payable in respect of any such Bill or Note.

Protest by Notary Public to be *primâ facie* evidence of dishonour.

13. Protest of a Bill of Exchange, whether Inland or Foreign, when purporting to be made by a Notary Public, shall be *primâ facie* evidence that the Bill has been dishonoured.

Suits on lost negotiable instruments.

14. In case of any suit founded upon a Bill of Exchange or other negotiable instrument, if it shall be proved to the satisfaction of the Court that the instrument is lost, and if an indemnity be given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, it shall be lawful for the Court to make such decree as it would have made if the plaintiff had produced the instrument in Court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

Rights under marine and fire policies to vest in assignees.

15. Every assignee, by endorsement or otherwise, of a policy of marine insurance or of a policy of insurance against fire, in whom the property in the subject insured shall be absolutely vested at the date of the assignment, shall have transferred to and vested in him all rights of suit as if the contract contained in the policy had been made with himself.

SCHEDULE.

No. of Suit.

In the High Court of at

Plaintiff
Defendant

To [*here enter the defendant's name, description and address.*]

Whereas [*here enter the plaintiff's name description and address*] has instituted a suit in this Court against you under Act No. V of 1866 (*to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial law of British India*) for Rs. principal and interest [*or* Rs. balance of principal and interest] due to him as the Payee [*or* Indorsee] of a Bill of Exchange [*or* Hundí *or* Promissory Note] of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within seven days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such seven days to obtain a decree for any sum not exceeding the sum of Rs. [*here state the sum claimed*] and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[*Here copy the Bill of Exchange, Hundí or Promissory Note, and all endorsements upon it.*]

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

HOME DEPARTMENT.

No. 1604.

Fort William, the 17th February 1866.

NOTIFICATIONS.

Messrs. W. J. Money and J. Browne, of the Bengal Civil Service, reported their departure from India per Steamer *Mooltan*, which vessel was left at sea by the Pilot on the 10th instant.

No. 1627.

The 19th February 1866.

The Governor General in Council is pleased to permit Mr. Joseph David Ouseley to resign the Civil Service from the 12th of December last.

No. 1631.

His Excellency the Governor General in Council is pleased to invest Nilkunt Rao Venkutesh, Officiating Tehseeldar of Sakolee, in the Bhundara District, in the Central Provinces, with the powers of a Subordinate Magistrate of the 2nd Class, described in Chapter II, Section 22 of Act XXV of 1861, to be exercised within the limits of that Tehseelee.

No. 1634.

The under-mentioned Tehseeldars in Oudh are invested, under Section 22, Act XXV of 1861, with the powers specified opposite their names, to be exercised within the limits of their respective Tehseelees :—

Enayutoola Khan, of Rumsunehee Ghat, Zillah Durriabad.	With the powers of a Subordinate Magistrate of the 1st Class.
Nowbut Rai, of Oonao, Zillah Oonao.	With the powers of a Subordinate Magistrate of the 2nd Class.

No. 1725.

The 20th February 1866.

The Reverend C. A. L. Whyte, a Junior Chaplain on the Bengal Establishment, availed himself, on the 19th of January, of the leave granted to him on the 8th instant.

No. 1816.

The 21st February 1866.

Mr. Charles Grant, of the Civil Service, is permitted to proceed to Europe on furlough for a period of one year from the date of embarkation.

No. 1790.

The 22nd February 1866.

The following Notice to Mariners relating to certain Beacons in the Java Seas is published for general information :—

Notice to Mariners.

The Director of State and Crown Domains hereby notifies that the two Eastern Beacons at the Pan-rif (Northern entrance of Straits Riouw) have been displaced. On the occurrence of favorable weather, they will be at once restored.

(Sd.) C. CASTENS.

BATAVIE, 16th *January* 1866.

No. 1814.

The 23rd February 1866.

The following "Supplemental Rules" relating to Emigration from the Port of Calcutta have been made by the Governor General in Council under the provisions of Section 63 of Act XIII of 1864, and are published for general information :—

Supplemental Rules.

1. Immediately after the embarkation of Emigrants, it shall be the duty of the Protector of Emigrants and of the Colonial Emigration Agent to muster the crew of the vessel with a view to ascertain their efficiency.

2. At the time of such muster the Protector of Emigrants shall obtain from the Commander of the Ship a certificate of the health of his Officers and crew.

3. The Protector of Emigrants shall satisfy himself, by personal inspection, that the life-buoys on board of every ship engaged for the conveyance of Emigrants are made of proper materials, are of approved manufacture, and are in thoroughly serviceable condition.

4. The survey report which is to be submitted to Government under Section 5 of the "Rules for the guidance of the Protector, Medical Inspector, and Colonial Emigration Agents," shall include a special report on the state of the boats of every ship engaged for the conveyance of Emigrants.

5. The Protector of Emigrants shall not allow any Emigrant Ship to proceed to sea until all the conditions prescribed in these rules shall have been fulfilled.

Memorandum.

This "Memorandum" has reference to the Memo. appended to Scale No. 1 of "provisions, &c., for ships conveying Emigrants to British and Foreign Colonies," contained in the original rules as published at pages 510 to 527 of the *Gazette of India*, dated 1st April 1865.	In the Memorandum of the additional articles required for each ship, to the words "life buoys" and "Cork (Europe)."

No. 1825.

His Excellency the Governor General in Council has been pleased to permit Mr. J. Coryton, Recorder of Rangoon and Moulmein, to resign his appointment from the 6th proximo.

No. 1826.

W. H. Clarke, Esq., L. L. D., having returned from the leave granted to him in G. O. No. 300, dated 11th January 1865, the Governor General in Council is pleased to re-appoint him to the office of Recorder of Rangoon and Moulmein.

No. 1836.

Major G. Battye, Post Master General of the North-Western Provinces, has obtained the usual

leave of absence from the 1st proximo, to proceed to Bombay, preparatory to his applying for leave of absence for 20 months on medical certificate.

Mr. C. K. Dove, Post Master General of Bengal, will officiate as Post Master General of the North-Western Provinces, during the absence of Major Battye, or until further orders.

Major Fanshawe, Chief Inspector of Post Offices in British Burmah, will officiate as Post Master General of Bengal, during the absence of Mr. Dove, or until further orders.

No. 1839.

The Governor General in Council is pleased, under Section V, Clause (*b*), of the "Furlough and Absentee Rules for Chaplains," to grant to the Reverend J. B. Patch, Junior Chaplain, leave of absence to Europe on medical certificate for the period of 18 months, with effect from the date on which he may avail himself of the same.

The usual preparatory leave has also been granted to the Reverend Mr. Patch.

No. 1844.

A Supplementary Commission of the Peace for the Central Provinces was issued by the High Court of Judicature at Fort William in Bengal on the 12th of September last, directed to the undermentioned Officers:—

Captain F. A. Fenton, Deputy Commissioner, Raipore.

Captain H. J. Lugard, Assistant Commissioner, Raipore.

Captain C. L. R. Glasfurd, Deputy Commissioner, Upper Godavery District.

Captain H. C. E. Ward, Assistant Commissioner, Jubbulpore.

Lieutenant T. H. B. Brooke, Assistant Commissioner, Chindwara.

Lieutenant J. H. Macdougall, Assistant Commissioner, Nagpore.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

MILITARY.

No. 25.

Fort William, the 22nd February 1866.

Major J. D. MacDonald, Commandant of the Deolee Irregular Force, has been allowed leave of absence, on medical certificate, from the 4th to the 25th November 1865, in extension of the privilege leave granted to him in G. O. No. 310, dated 15th August 1865.

Captain C. H. Clay, 2nd in Command and Squadron Officer, officiated as Commandant from the 4th to the 24th November 1865 inclusive; and Lieutenant and Adjutant G. H. L. Greenfield officiated as 2nd in Command and Squadron Officer, in addition to his other duties, during the same period.

POLITICAL.

No. 177.

With reference to the Notification from this Office, No. 689, dated 28th December 1864, the following Memorandum by the British Agent at Bussorah, specifying the Quarantine formalities to be observed by vessels visiting the Ports of Fao and Bussorah (whether they have clean Bills of Health or not), is published for general information:—

Quarantine formalities to be observed by all vessels bound to Bussorah, whether with or without clean Bills of Health.

Immediately on their arrival in the Shat-el-Arab, and before having any communication with the shore, Commanders of vessels are required to present themselves at the Sanitary Office at Fao to answer any questions the Quarantine Officer may put to them, and to get a certificate from him that this formality has been observed.

Immediately on their arrival at Bussorah, and before having any communication with the shore, Commanders of vessels are required to present themselves at the Bussorah Sanitary Office to deliver the certificate received at Fao, and to answer such question as the Quarantine Director may put to them.

The Quarantine Station at Fao is on the right bank of the Shat-el-Arab, about 200 yards south of the Telegraph Offices, and may be readily recognized by a large single spar used as a beacon.

The Quarantine Office at Bussorah is about 200 yards up the town creek, is marked by a lofty flagstaff, and is the nearest brick building to the anchorage.

(Sd.) W. P. JOHNSTON,
British Agent.

BUSSORAH,
The 16th January 1866.

GENERAL.

No. 273.

The 20th February 1866.

Captain T. Acton, Officiating Deputy Superintendent of the Cudoor District, in Mysore, has been granted privilege leave of absence for two months, from the 20th ultimo.

No. 275.

Abdool Ruheem, Deputy Collector of Settlements in the Central Provinces, has obtained one month's leave of absence in extension of that granted to him on medical certificate in G. O. No. 203, dated 7th instant.

No. 277.

Mr. W. Glynn, Deputy Commissioner of Oonao, is granted leave of absence for 14 days, from the 16th proximo, to proceed to Calcutta for the purpose of appearing before the Medical Board.

No. 279.

Lieutenant Colonel W. F. Eden, Agent to the Governor General for the States of Rajpootana, has obtained privilege leave of absence for 20 days, from the 1st proximo, or from the date on which he may avail himself of it.

No. 281.

Major H. F. Waddington, Acting Settlement Officer of Mundlah, in the Central Provinces, has obtained privilege leave of absence for two months, from the 1st instant, or from the date on which he may avail himself of it.

Captain W. B. Thomson, Acting Settlement Officer of Seonee, is appointed to the charge of the Mundlah Settlement, in addition to his own duties, during Major Waddington's absence.

No. 292.

The 22nd February 1866.

Captain C. J. Pearse, Officiating Deputy Superintendent of Bangalore, to officiate as Deputy Superintendent of Mysore, during the absence of Major T. M. McHutchin, or till further orders.

Captain W. Hill, Deputy Superintendent of Chittledroog, to officiate as Deputy Superintendent of Bangalore.

No. 294.

Captain J. A. Campbell, Acting Secretary to the Commissioner of Mysore, has been granted privilege leave of absence for one month, from the 1st instant.

W. MUIR,

Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 959.

Fort William, the 22nd February 1866.

NOTIFICATION.

Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency.

Date of Returns.	Circles of Issue.	Notes in Circulation.	Silver Coin Reserve.	Gold Coin Reserve.	Silver Bullion Reserve.	Government Securities held in Calcutta.	Notes of other Circles.
1866.							
Jan. 31st	Calcutta Circle ...	2,64,47,500	33,39,251	...	59,00,000	1,54,70,019	17,38,230
	Allahabad Branch ditto ...	25,27,560	14,24,269	...	...	11,03.291	...
	Lahore ditto ditto ...	41,08,170	34,08,133	...	...	7,00,037	...
	Nagpore ditto ditto ...	11,19,360	5,71,479	...	...	5,47,881	...
	Madras Circle ...	53,00,000	11,77,031	...	1,20,000	40,02,969	...
	Calicut Branch ditto ...	3,42,540	2,42,481	...	...	1,00,059	...
	Trichinopoly ditto ditto ...	2,76,700	1,76,641	...	...	1,00,059	...
	Vizagapatam ditto ditto ...	3,88,720	2,88,661	...	...	1,00,059	...
	Bombay Circle ...	2,91,30,000	67,26,748	50,000	51,70,000	1,71,78,052	5,200
	Kurrachee Branch Circle	11,58,540	6,58,434	...	...	5,00,106	...
		7,07,99,090	1,80,13,128	50,000	1,11,90,000	3,98,02,532	17,43,430
	Deduct Notes of other Circles cashed at Calcutta and Bombay ...	17,43,430	...	...	...	...	...
	Total ...	6,90,55,660	1,80,13,128	50,000	1,11,90,000	3,98,02,532	17,43,430

(Signed) J. C. SHEKLETON,

Offg. Head Commissioner, Department of Issue of Paper Currency.

DEPARTMENT OF ISSUE OF PAPER CURRENCY;
CALCUTTA,
Dated 13th February 1866.

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 19th February 1866.

No. 157 *of* 1866.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Howard James Barton, of the 2nd Dragoon Guards, and Officiating 3rd Squadron Officer, 18th Bengal Cavalry.	22nd Sep. 1865.

No. 158 *of* 1866.—The following order issued by the Government of Bombay is confirmed:—

No. 76, *dated the 2nd February* 1866.—Granting leave of absence to Europe on medical certificate to Captain J. W. H. Johnstone, of the Bengal Staff Corps, Assistant Commissioner, Punjab.	For 20 months.

No. 159 *of* 1866.—It is hereby notified that, in the absence of the Chaplain, the Officer Commanding the Station will have charge of Cemeteries in Military Cantonments, the provisions of Clause XII of the Notification issued in the Home Department, No. 5027 of 26th October 1864, having reference to Cemeteries not situated within the limits of Military Cantonments.

No. 160 *of* 1866.—The under-mentioned Officer has reported his return from England:—

	Date of arrival at Fort William.
Captain (Brevet Major) J. C. Bonamy, late 32nd Native Infantry.	29th Jan. 1866.

No. 161 *of* 1866.—Under the authority of the Right Hon'ble the Secretary of State for India, concurred in by His Royal Highness the Field Marshal Commanding-in-Chief and the Secretary of State for War, His Excellency the Governor General in Council is pleased to add to the situations specified in the 8th Clause of the Royal Warrant* of the 31st January 1859, the appointment of Military Secretary to the Viceroy and Governor General of India, as qualifying for the promotion of Lieutenant Colonels to the rank of Colonel in the Army.

* Published in Government General Order No. 740 of the 20th May 1859.

The 20th February 1866.

No. 162 *of* 1866.—Major J. H. Jenkins, Deputy Assistant Commissary General, 2nd Class, having returned from sick leave to Europe, is appointed to officiate as Deputy Assistant Commissary General, 1st Class, from the date of joining the station to which he may be posted, the junior acting Officers reverting to their proper places.

No. 163 *of* 1866.—The under-mentioned Officer having completed the prescribed period of service as Captain and Brevet Lieutenant Colonel, and as Major and Brevet Lieutenant Colonel, to be Colonel in the Army, from the date specified opposite his name, subject to the approval of Her Majesty:—

BREVET.

To be Colonel in the Army.

Major (Brevet Lieutenant Colonel) Thomas Augustus Carey, of the Bengal Staff Corps.	16th Dec. 1865.

No. 164 *of* 1866.—The following promotions are made in the under-mentioned Corps of the Native Army.

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
6th Regiment Native Light Infantry.	Jemadar Sheikh Hyder Buccus ...	Subadar ...	30th July 1865...	Amaun Khan, deceased.
	Ditto Kunnaie Sing ...	Ditto ...	22nd Aug. 1865	Hussenbux Khan, deceased.
	Ditto Ramsurn Sing ...	Ditto ...	19th Dec. 1865...	Munnoo Khan, invalided.
	Havildar Jugga Sing	Jemadar ...	30th July 1865...	Sheikh Hyder Buccus, promoted.
	Ditto Ram Sahaie Lalla ...	Ditto ...	22nd Aug. 1865	Kunnaie Sing, promoted
	Ditto Sheikh Wajeer ...	Ditto ...	19th Dec. 1865..	Ramsurn Sing, promoted.
	Ditto Pusput Misser ...	Ditto ...	Ditto ...	Ram Sing, invalided.
Bengal Sappers and Miners.	Jemadar Kundhaie Persaud ...	Subadar ...	14th Nov. 1865 ..	Hurdeo, deceased.
	Havildar Durrion Singh ...	Jemadar ...	Ditto ...	Kundhaie Persaud, promoted.

The 21st February 1866.

No. 165 *of* 1866.—Lieutenant J. Upperton, Bengal Staff Corps, 2nd Squadron Officer, 19th Bengal Cavalry (Lancers), is allowed leave of absence from the 9th March to the 14th April 1866, to visit Bombay, with permission to proceed thence to Europe on furlough on private affairs, for six months.

No. 166 *of* 1866.—The Head Quarters of Her Majesty's 105th Foot, arrived from Madras in the Steam Ship "Hydaspes," is brought on the Establishment of the Bengal Presidency from date of landing, and the Troops noted in the margin, having embarked for England, are struck off the strength of the Bengal Presidency from the dates of their embarkation.

Head Quarters 54th Foot, per "St. Lawrence," 6th January 1866.

Left Wing Her Majesty's 54th Foot, per "Winchester," 4th January 1866.

C. and D. Batteries, C. Brigade, Royal Horse Artillery, per "Shannon," 20th January 1866.

E. Battery, C. Brigade, Royal Horse Artillery, per "Alnwick Castle," 24th January 1866.

The 22nd February 1866.

No. 167 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Major General James Clarke Charnock Gray, of Infantry.	For 3 years, under the old Regulations.

No. 168 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs:—

Lieutenant Charles John Walter, of the Bengal Staff Corps, 1st Doing-duty Officer of the 8th Regiment Native Infantry.	For 6 months, without pay.

No. 169 *of* 1866.—The services of Ensign T. B. Michell, of Her Majesty's 80th Foot, a candidate for the Bengal Staff Corps, are placed at the disposal of the Government of Bengal.

The 23rd February 1866.

No. 170 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Captain William Wright Aubert, of the Invalid Battalion, 2nd Examiner, Pay Department.	For 20 months, under the old Regulations.
Lieutenant Alfred James Wallace, of the late 60th Regiment Native Infantry.	For 20 months, under the new Regulations.
Captain (Brevet Major) Peter Stark Lumsden, of the Bengal Staff Corps, Deputy Quarter Master General.	For 20 months.

No. 171 *of* 1866.—The following promotions are made, subject to Her Majesty's approval:—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
Cadre of the late 28th Native Infy.	Lieutenant (Brevet Captain) John Skynner Walters	Captain ...	11th Aug. 1864 ..	Captain H. W. Chapman, retired.
Bengal Infantry...	Major (Lieutenant Colonel in Staff Corps) Augustus Turner ...	Lieut. Colonel	22nd Aug. 1865	Lieutenant Colonel (Brevet Colonel) J. Liptrap, promoted to Major General.
Cadre of the late 4th European Regiment ...	Captain (Brevet Major) John Ward	Major ...		
	Lieutenant Malcolm George Clerk ...	Captain ...		
Bengal Infantry...	Major (Brevet Colonel) George Palmer Whish (Staff Corps) ...	Lieut. Colonel	Ditto ...	Lieutenant Colonel A. Turner, Staff Corps, removed from the List of Regimental Lieutenant Colonels.
Cadre of the late 60th Native Infantry ...	Captain (Brevet Major) William Clarke Green	Major ...		
	Lieutenant George Anthony Anfrére Baker	Captain ...		
Bengal Infantry ..	Major (Brevet Lieutenant Colonel) William Robert Cunningham ...	Lieut. Colonel	Ditto ...	Lieutenant Colonel (Brevet Colonel) G. P. Whish, Staff Corps, removed from the List of Regimental Lieutenant Colonels.
Cadre of the late 5th European Regiment ...	Captain (Lieutenant Colonel in Staff Corps) Edward John Rickards ...	Major ...		
	Lieutenant (Captain in Staff Corps) Robert Gordon Rogers ...	Captain ...		
Bengal Infantry...	Major John Scott Phillpotts ...	Lieut. Colonel	20th Nov. 1865	Lieutenant Colonel (Brevet Colonel) E. Darvall, promoted to Major General.
Cadre of the late 66th Native Infantry ...	Captain (Brevet Lieutenant Colonel) Campbell Claye Grant Ross ...	Major ...		
	Lieutenant (Captain in Staff Corps) Donald Macintyre	Captain ...		
Cadre of the late 46th Native Infantry.	Lieutenant (Brevet Captain) James John Russell	Ditto ...	20th Jan. 1866...	Captain B. N. Smith (Staff Corps), deceased.
Cadre of the late 4th Native Infantry.	Lieutenant (Captain in Staff Corps) William Cadogan Mitchel ...	Ditto ...	1st Feb. 1866 ...	Captain (Brevet Major) A. Cumine, deceased.
Cadre of the late 23rd Native Infantry.	Lieutenant (Brevet Major) George Richard Westmacott (Staff Corps)	Ditto ...	5th Feb. 1866 ...	Captain (Brevet Major) G. V. Baldorston, deceased.

No. 172 *of* 1866.—The under-mentioned Officers having completed five years' service as substantive Lieutenant Colonels in the Staff Corps, are promoted to the rank of Colonel by Brevet from the date specified under the operation of Clause 2 of the Royal Warrant dated 16th January 1861, subject to Her Majesty's approval :—

Lieutenant Colonel Arthur Purves Phayre, C. B. Lieutenant Colonel Francis Elliot Voyle. Lieutenant Colonel John Talbot Shakespear. Lieutenant Colonel George Mytten Hill. Lieutenant Colonel James Corse Scott. Lieutenant Colonel William Henry Ryves. Lieutenant Colonel Henry Ramsay, C. B. Lieutenant Colonel Frederic Dayot Atkinson.	18th February 1866.

No. 173 *of* 1866.—The under-mentioned Officers having completed 26 years' service, eight years of which were on permanent Staff employ, to be Lieutenant Colonels, from the dates specified opposite to their names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Major Olans John McLeod Farrington. Major Archibald Blackwood.	15th February 1866.

No. 174 *of* 1866.—The under-mentioned Officers having completed 20 years' service, six years of which were on permanent Staff employ, to be Majors, from the dates specified opposite to their names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain William Campbell MacDougall. Captain Isaac Forsyth MacAndrew.	20th Feb. 1866.

No. 175 *of* 1866.—The under-mentioned Officers having completed twelve years' service, four years of which were on permanent Staff employ, to be Captains, from the dates specified opposite to their names, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Lieutenant George Robertson Hennessy.	4th Feb. 1866.
Lieutenant Harry Dawkins Eardly Wilmot Chester. Lieutenant Alexander Shand Thain. Lieutenant Alexander Haldane Eckford. Lieutenant Herbert Sconce.	20th Feb. 1866.

No. 176 *of* 1866.—The following promotions and alterations of rank are made, subject to Her Majesty's approval :—

PROMOTIONS.

Corps or Department.	Rank and Names	To what rank promoted.	From what date.	In succession to
Medical Department	Assistant Surgeon George Vernon Currie	Surgeon ...	24th Nov. 1865	Principal Inspector General of Hospitals J McClelland, FEL. U. C., retired.
	Assistant Surgeon Lachlan Hector John Maclean, M. D.	Surgeon ...	1st Jan. 1866	Surgeon D. H. Small, retired

ALTERATIONS OF RANK.

Corps or Department	Rank and Names.	To rank from	In succession to
Medical Department	Surgeon Alfred Godley Crewe ...	24th May 1865	Surgeon Major R H. Oakley, retired.
	" Nathaniel James Grant ...	3rd June 1865	Deputy Inspector General of Hospitals J. H Butler, F R. C. S., deceased.
	" Marcus William Mott, M. D. ...	14th June 1865	Surgeon Major C. F. Warneford, M D., retired.
	" Joseph Ewart, M, D ..	25th July 1865	Surgeon Major F. Douglas, M. D., retired.
	" Robert Moir, M. D. ..	27th July 1865	Surgeon Major J. H Littler, M. D., retired.
	" Theodore Duka, M. D. ...	1st Aug. 1865	Deputy Inspector General of Hospitals G Harper, retired.

No. 177 *of* 1866.—The under-mentioned Officers of the Medical Department are promoted to the rank of Surgeon Major from the dates specified, under the provisions of Government General Order No. 507 of the 20th June 1864, subject to Her Majesty's approval :—

Surgeon Thomas Maxwell, M. D., 26th Jan. 1866.
" Charles Palmer, M, D., } 20th Feb. 1866.
" James King Walter }

No. 178 *of* 1866.—The under-mentioned Officers of the Medical Department having completed twelve years' service, are promoted to the rank of Surgeon from the dates specified, under the provisions of Government General No. 1060 of the 23rd December 1864, subject to Her Majesty's approval :—

Assistant Surgeon Francis Hugh O'Donel, M. D. } 14th January 1866.
Assistant Surgeon John James Trevor Lawrence.
Assistant Surgeon (Brevet Surgeon) Henry Martineau Greenhow, F. R. C. S. } 20th January 1866.
Assistant Surgeon Henry William Graham. } 14th February 1866.
Assistant Surgeon John Elliot, M. D.
Assistant Surgeon Thomas Beard Farncombe. } 20th February 1866.

Surgeon O'Donel is brought on the Establishment of Surgeons in room of Surgeon Major C. Hathaway, M. D., retired 14th February 1866.

No. 179 *of* 1866.—The following promotions and alterations of rank are made, subject to Her Majesty's approval :—

BREVET.

PROMOTIONS.

Rank, Names, and Corps.	To what rank promoted.	From what date.	In succession to
Major Thomas Edward Kennion, Royal (Bengal) Artillery	Lieut. Colonel ...	22nd Aug. 1865	Lieutenant General H. F. Salter, C. B., Bengal Cavalry, deceased.
Captain Robert Peniston Milbanke Crew, Madras Infantry	Major ...		
Major Alfred Light, Royal (Bengal) Artillery	Lieut. Colonel ...	9th Oct. 1865 ...	Major General St. G. D. Showers, C. B., Bengal Infantry, deceased.
Captain James Forbes Robertson, Bombay Staff Corps	Major ...		
Major William Carmichael Russell, Royal (Bengal) Artillery...	Lieut. Colonel ...	12th Oct. 1865...	Major General J. Scott, Bombay Infantry, deceased.
Captain Robert Church, Madras Infantry ...	Major ...		
Major Thomas Harmer Sibley, Bengal Staff Corps	Lieut. Colonel ...	20th Nov. 1865...	Lieutenant General H. Sargent, Madras Infantry, deceased.
Captain Edward Holbeche Couchman, Royal Madras Artillery	Major ...		

ALTERATIONS OF RANK.

Rank, Names, and Corps.	To rank from	In succession to
Lieutenant Colonel Charles Henry Barchard, C. B., Bengal Infantry	2nd August 1865 ..	Major General Sir S. Corbett, K. C. B., Bengal Infantry, deceased.
Major Henry White Best, Bengal Cavalry ..		

No. 180 *of* 1866.—The following promotions are made under the operation of Government General Order No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval :—

BREVET.

Corps.	Rank and Names.	Date of Promotion.
	To be Colonels.	
Bengal Infantry ...	Lieutenant Colonel Brooke Boyd ...	18th February 1866.
Ditto ...	Ditto Robert Troup ...	
Ditto ...	Ditto John Liptrott ...	
Ditto ...	Ditto Frederick Maitland ...	
	To be Lieutenant Colonels.	
Late 3rd European Light Cavalry ..	Major Lenox James Farquharson	3rd January 1866.
Late 64th Native Infantry	Do. Richard Nicholas	3rd ditto.
Late 49th ditto ...	Do. John Hood	29th ditto.
Late 66th ditto ...	Do. John Scott Phillpotts	15th February 1866.
	To be Majors.	
Late 63rd Native Infantry	Captain William Harington Hawes ...	7th January 1866.
Late 6th European Regt...	Do. James Augustus Grant	26th ditto.
Late 32nd Native Infantry	Do. Henry Lockhart Gleig	29th ditto.
Late 67th ditto ...	Do. William Bolton Girdlestone ...	4th February 1866.
	To be Captains.	
Late 6th European Regt...	Lieutenant Robert Stanwix Robertson ...	4th February 1866.
Staff Corps ...	Ditto Montague Charles Perreau ...	4th ditto.

No. 181 *of* 1866.—Apothecary James Sylvester, of the Subordinate Medical Department, having been declared by a Medical Committee to be unfit for further active service, is transferred to the Pension Establishment, with permission to reside and draw his stipend in India.

No. 182 *of* 1866.—Her Majesty has been pleased to appoint the under-mentioned Gentlemen to be Assistant Surgeons in Her Majesty's Indian Military Forces at the Presidency of Bengal. They are accordingly admitted into the service :—

Date of arrival at Fort William.

Medical Department.

Mr. James Cleghorn, M. D. } 26th September
„ John Bennett, M. D. } 1865.
„ Edward Barton Gardner...4th December 1865.

No. 183 *of* 1866.—Captain M. T. Pearson, of No. 6 Company, Calcutta Volunteer Rifle Corps, is allowed leave of absence to visit Australia for 6 months.

No. 184 *of* 1866.—The Regimental Order dated 16th February 1866, issued to the Calcutta Volunteer Rifle Corps, permitting Lieutenant J. G. S. Mackenzie to resign his appointment in No. 6 Company, is confirmed.

No. 185 *of* 1866.—It is hereby notified, under instructions from the Right Hon'ble the Secretary of State, that the discharge purchase money of Soldiers of the British Army is in all cases to be paid into the hands of the Pay Master of the Regiments to which the Soldiers belong; and all sums so paid are to be remitted to England through the monthly Casualty Returns (War Office Forms 57 B), in which the particulars regarding men who become non-effective are required to be entered.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

REVENUE—FORESTS.

No. 1 F.

Fort William, the 15th February 1866.

NOTIFICATIONS.

Mr. F. Read, Conservator of Forests, Oudh, returned from the leave on medical certificate of which an extension was granted him in Notification No. 28 F of the 5th December 1865, on the 1st February 1866, and resumed charge of his office from Captain E. Wood, Her Majesty's 93rd Regiment, whose services are placed at the disposal of His Excellency the Commander-in-Chief from that date.

No. 46 E.

ESTABLISHMENT.

The 16th February 1866.

SENIOR DEPARTMENT OF THE THOMASON CIVIL ENGINEERING COLLEGE.

With the view of preventing a misunderstanding of the prospects of Officers entering this Department of the College, the following Notification is published for general information :—

2. The Senior Department is intended for the instruction of Commissioned Officers of Her Majesty's Army, under the rank of Field Officer, who may obtain the permission of His Excellency the Commander-in-Chief to reside at Roorkee for the purpose of studying at the College.

3. The ordinary course of study is for two years, and there are two standards of examination at the close of the course; (1), the ordinary test for admission to the Public Works Department, and (2), the higher or College standard. All Officers who may pass the higher standard will receive a prize of Rs. 1,000.

4. No Staff appointments in any Department can be guaranteed to those who pass either standard. But, as a rule, those who qualify will be appointed to the Public Works Department as Assistant Engineers, 2nd Grade, if they desire it, and if there are vacancies in the Department, and provided there are no objections to their taking a Staff appointment. It must be distinctly understood, however, that all Officers of the British Army appointed to the Public Works Department from the College must enter the Staff Corps.

5. A special Surveying Class has also been established for a number of Officers at present limited to ten. The course of study will include Military Surveying and Reconnoisance; Plan and Topographical drawing at the College; and the laying out and construction of Field Works under the orders of the Commandant of Sappers and Miners. The course will ordinarily occupy seven months. A certificate will be granted to those who complete their course satisfactorily, a copy of which will be forwarded to Army Head Quarters.

No. 47.

The 17th February 1866.

Captain W. D. Chapman, Madras Staff Corps, Executive Engineer, 4th Grade, is transferred from he Central Provinces to Mysore.

No. 48.

The 19th February 1866.

Mr. E. Durrant, Supervisor, 1st Grade, is transferred from the Rajpootana Circle to Bengal.

No. 49.

Sergeant H. B. Jackson, Supervisor, 1st Grade, Rajpootana, is promoted to the rank of Sub-Engineer, 3rd Grade, with effect from the 1st October 1865.

No. 50.

The 20th February 1866.

Mr. W. P. Conroy, Engineer Apprentice, is transferred from the North-Western Provinces to Oudh, and posted to the 2nd Division, Oudh Roads, with effect from the 3rd February 1866.

No. 51.

The services of Mr. R. H. Trotter, Deputy Controller of Public Works Accounts, Bengal, are temporarily placed at the disposal of the Government of Bombay, for employment in the Office of Public Works Accounts, Bombay.

Mr. Trotter will have the rank of a Controller, 3rd Class, 3rd Grade, while so employed.

No. 52.

Major G. U. Price, Executive Engineer in Jeypoor, has been allowed thirty days' privilege leave, with effect from the 1st February 1866, or from such date as he may have availed himself of it.

No. 53.

Mr. E. H. Taylor, Accountant, 2nd Grade, North-Western Provinces, is promoted temporarily to the 1st Grade, and his services are placed at the disposal of the Government of Bombay.

No. 54.

The 23rd February 1866.

Private J. McEwen, Overseer, 1st Grade, Central Provinces, is remanded to Regimental duty.

No. 55.

The under-mentioned passed Military Students of the Thomason Civil Engineering College are brought on the strength of the Upper Subordinate Establishment of the Public Works Department as Overseers of the 1st Grade on probation and posted as follows :—

To Bengal.

Sapper W. Farren, R. E.

To Rajpootana.

Sapper J. Donnieson, R. E.

To Straits Settlement.

Private T. Boyd, 7th Hussars.

C. H. DICKENS, *Lieut. Colonel*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE

Is hereby given, that sealed tenders will be received by the Secretary to Government in the Public Works Department at noon of Thursday the 15th March 1866, for the purchase of the right to a lease from Government of a portion, and an assignment of the lease of another portion of the premises now occupied by the Gun Carriage Manufactory at Colaba, and of all land and premises now in the possession of Government lying and situate between the premises now or lately belonging to the Colaba and the Apollo Land Companies on the North, and the Victoria Land Company on the South, and between the New Sea Wall now in course of construction on the East, and the Colaba main road on the West.

2. As to the piece of land colored yellow in the plan referred to in the fourth condition, and which contains about 10705½ square yards, the purchaser will be entitled, on payment of the balance of the purchase money, to an assignment of the lease under which the same is held, and which lease is dated the 23rd day of February 1818, and made between Juggonath Pandoosett of the one part, and the Hon'ble the United Company of Merchants of England trading to the East Indies of the other part, and is for the term of 99 years (renewable from time to time until the expiration of 1,000 years) from the 23rd of February 1818, subject to the yearly rent of Rupees 300.

3. The purchaser shall be entitled to no other evidence of title to the land comprised in the above lease, than the original lease itself, and he shall, at his own expense, execute a duplicate assignment of the lease containing the usual covenants for the payment of the rent thereby reserved and the observance of the covenants therein contained.

4. As to the portion on the plan colored blue, the conditions of the lease will be as follows :—

1*st.*—Lease to be for 999 years, commencing from the 15th March 1866, and to be granted on completion of the payment of the purchase money.

2*nd.*—A yearly rent of one pie per square yard per annum to be paid on the 15th of March of each year during the continuance of the lease.

3*rd.*—Lessee to be considered owner of all houses, buildings, sheds and other immoveable property on the land at the time of possession being given over.

4*th.*—Lessee shall have the right of filling in the land between the foreshore of the premises and the new seawall now in course of construction, as shown on a plan deposited in the Office of the Secretary to Government in the Public Works Department.

5*th.*—Lessee to pay all taxes, rates, &c., that may be or become due.

6*th.*—Land required for Police or Customs Chowkies as well on the assigned, as on the demised portion, to be given up to Government for such purposes free of valuation and rent.

7*th.*—The Lease to contain provisos for re-entry on breach of any of the covenants or conditions, or non-payment of the rent within twenty days after it becomes due, without any necessity for a formal demand thereof and all other clauses and conditions usually inserted in leases of a like nature.

8*th.*—The agreement, lease, and counterpart to be prepared by the lessor's solicitors at the lessee's expense.

9*th.*—The lessee not to enquire into or object to the lessor's title.

10*th.*—Possession of the Land, except that portion of it now in the possession of the Gun Carriage Manufactory, together with the right of filling in referred to in para. 4, will be given on the 15th March 1866 on the purchaser's completing payment of the 25 per cent. payable on that day under Clause 13.

11*th.*—Possession of the land now in occupation by the Gun Carriage Manufactory will not be given until the 15th of March 1868.

12*th.*—Each tender must be accompanied by a receipt from the Bank of Bombay for a sum of five (5) lakhs of Rupees as a deposit, and the terms of payment will be as follows :—

13*th.*—Persons who have given in tenders must appear at the Office of the Secretary to Government, Public Works Department, at 12 o'clock noon on Monday the 19th March 1866, and the person whose tender may be accepted, will be required at the time of acceptance (that is, on the noon of the day aforesaid) to pay such a sum as with the said sum of five lakhs already deposited, will make up a sum equal to twenty-five per cent. of the total price, and if the successful tenderer fails to make this payment, his deposit of five lakhs will be forfeited, and the Government may, if they so please, accept any other tender.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the purchase money remaining unpaid at the rate of 5 per cent. per annum from the 15th March 1866) must be paid on or before the 15th March 1867.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the unpaid purchase money at 5 per cent. per annum from the 15th March 1867) must be paid on or before the 15th March 1868.

The balance of twenty-five per cent. of the purchase money (with interest thereon at the rate aforesaid from the 15th March 1868) must be paid on or before the 15th March 1869.

14*th.*—The Bank of Bombay receipts deposited by the persons whose tenders are not accepted, will be returned at noon on the 19th March 1866.

15*th.*—Government do not bind themselves to accept the highest or any tender.

16*th.*—Any further information that may be required may be obtained on application at the Office of the Secretary to Government, Public Works Department, between the hours of 11 A. M. and 3 P. M. on and after the 15th day of January 1866.

By order of His Excellency the Governor in Council,

W. KENDALL, *Colonel*, R. E.,
Acting Secy. to Govt.,
Public Works Department.

BOMBAY CASTLE,
2nd January 1866.

NOTICE.

Tenders for the supply to the Calcutta Mint of about 3,000 maunds, monthly, of the best Pit Coal for the official years 1866-67 and 1867-68, will be received by the Officiating Mint Master on Monday, the 19th March 1866.

CONDITIONS.

The Coal to be delivered into the Mint Storeholds, and the price to be stated in Government Rupees per Indian maund; 100 maunds of Coal to be sent as a sample with each Tender, for which payment will be made. All other information required will be supplied on application made at the Mint.

J. C. SHEKLETON,
Offg. Mint Master.

The 16th February 1866.

NOTICE No. 86.

The Public are informed that a Government Bullock Train Establishment on a limited scale has been organized under this Department between Peerpointy and Punkabarry at the base of the Darjeeling Hills, viâ Carragolah, Purneah, Kissengunge, and Titalyah, and another between Titalyah and Santrabarry at the foot of the Buxa Dooar, viâ Mynagooree. The train is chiefly intended for the conveyance of Commissariat and other Military stores, but as it happens that the train sometimes remains idle, it is notified that goods will be received from the non-official public for conveyance by the above train at the stations named below, and that the following rates will be charged upon such goods:—

		Rs.	A.	P.
Peerpointy or Sahibgunge to Carragolah ...	per md.	0	2	0
Carragolah to Purneah ...	"	0	8	0
Purneah to Kissengunge ...	"	0	12	0
Kissengunge to Titalyah ...	"	0	12	0
Titalyah to Punkabarry ...	"	0	8	0
Peerpointy to Punkabarry ...	per md.	2	10	0
Titalyah to Santrabarry ...	"	1	14	0
Peerpointy to Santrabarry ...	per md.	4	8	0

Delivery of goods will be made at the above stations, and passengers, when there is available space, will also be carried by the train on prepayment of the charge for three maunds. Further, as the down train from Punkabarry to Carragolah is expected to return empty, country produce will be received for despatch and charged for at the following rates:—

		Rs.	A.	P.
Punkabarry to Titalyah ...	per md.	0	8	0
Titalyah to Kissengunge	"	0	6	0
Kissengunge to Purneah	"	0	6	0
Purneah to Carragolah ...	"	0	4	0
Carragolah to Peerpointy ...	"	0	2	0
Punkabarry to Peerpointy ...	per md.	1	10	0

C. K. DOVE,
Post Master Genl. of Bengal.

CALCUTTA,
The 19th February 1866.

NOTICE.

We have admitted Mr. John James Ross a partner in our Firm from the 1st instant.

J. H. FERGUSSON AND CO.

The 16th February 1866.

NOTICE.

Whereas it appears to the Chief Commissioner, Oudh, that land is required to be taken up for a public purpose, viz., for constructing a combined Tehseel and Thannah at Mulliabad, in the District of Lucknow, notice is hereby given, under Section 2, Act VI of 1857, that land, to the extent noted below, is required for the said purpose:—

District.	Village.	Quantity of land required.
		A. R. P.
Lucknow ...	Bunswarce in Mirzagunge ...	1 2 2

C. W. HUTCHINSON, *Lieut. Colonel,*
Offg. Secy. to Chief Commr., D. P. W.

LUCKNOW,
The 6th February 1866.

NOTICE No. 1.

Sealed Tenders will be received by the Executive Commissariat Officers at Dinapore and Hazareebaugh up to 4 P. M. of the 3rd March 1866, and opened at noon, on the 5th March 1866, in presence of all parties who may choose to attend for the supply by contract, from 1st May 1866 to 30th April 1867, of the under-mentioned articles in the Dinapore Division.

No Tenders will be received except in forms obtainable from this Office or from Commissariat Office, Hazareebaugh.

Parties desirous of tendering will be furnished with all particulars on application to the Commissariat Offices of Dinapore and Hazareebaugh.

Potatoes.	Milk and Butter.
Yams.	Bazar Medicines.
Vegetables.	Hospital Necessaries.
Salt.	Do. Miscellanies.
Firewood.	Chickens and Eggs.
Coffee.	Hospital Comforts.
Tinning Cooking Utensils.	Barrack Miscellanies.

H. R. WROUGHTON,
Offg. Depy. Asst. Commsy. Genl.

DINAPORE;
EXE. COMST. OFFICE,
The 1st February 1866.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XV, corrected in the Office of the Adjutant General up to the 1st of January, is now ready. This Number contains the List of War Services of Officers. Price Five Rupees *in advance*, and eight annas extra if sent by post. Apply to

CALCUTTA,
6, *Bankshall Street.*

O. T. CUTTER, *Publisher.*

NOTICE.

Required for the Rajshahye Collectorate an Accountant thoroughly conversant with the rules of practice adopted in the Accountant General's Office.

The applicant must possess a knowledge of English, and produce testimonials of qualification and good character. Salary Rs. 35 per mensem.

D. CUNLIFFE,

Collector.

RAJSHAHYE COLLR.'S OFFICE;
CAMP GODAGAREE,
The 12th February 1866.

NOTICE.

Stolen or lost a Government Promissory Note No. 5615 of P. W. Loan of 1854-55, for Rs. 1,000, standing in the name of Suddashib Biswas, interest on which is due from April 1860, and for a duplicate of which application has been made to Government.

DEGUMBERY DOSSEE,

Widow of Suddashib Biswas.

WANTED

A Second Master for the Sehore School, salary Rs. 150 per mensem.

Apply, forwarding testimonials, &c., to

The Political Agent in Bhopal,

Sehore,

CENTRAL INDIA.

N. B.—In the event of the successful candidate being married, and his wife capable of teaching English, Sewing, &c., she would be appointed Head Mistress of the Sehore Girls' School on a salary of Rs. 45 per mensem.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,

Offg. Magistrate.

LOST.

First half of Govt. Currency Note No. $\frac{A}{15}$ 10506 for Rs. 1,000, payment stopped at the Bank.

LOST.

First half of Government Currency Note No. $\frac{A}{17}$47627 for Rs. 10.

LOST.

Half of Government Currency Note No. $\frac{A}{13}$65828 for Rs. 100.

IN THE DEHLIE COURT OF BANKRUPTCY.

Notice is hereby given that Mr. William Hamilton Marshall, Merchant of Dehlie, has been this day adjudicated Bankrupt, and that Friday, the 9th day of March 1866, is the day appointed for the meeting of Creditors, the appointment of a Creditors' Assignee, and the hearing of the Bankrupt's petition for discharge.

All Creditors intending to oppose the Bankrupt's discharge, must give notice thereof by a petition written on eight anna stamped paper, containing the grounds of their opposition, and an enumeration of any witnesses they may wish to be summoned. Such notice must be filed at least three days before the day appointed for the meeting.

The Schedules of the Bankrupt are open for the inspection of Creditors in the Office of the Official Assignee at the Court.

Registration of claims against the Bankrupt may be obtained by presenting an application on eight-anna stamped paper containing a statement of the same, verified and signed by applicant.

Creditors living at a distance may obtain registration by forwarding by post a statement of their claim, written upon eight anna stamped paper, and verified on oath before a Judicial Officer.

W. COLDSTREAM,

Commr. in Bankruptcy.

DEHLIE,
The 31st January 1866.

Just Published.

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At 3	months' notice,	3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

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The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

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On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

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No. 8.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, FEBRUARY 24, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees four annas if sent by Post.*

No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 16th February 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

The Hon'ble George Ross.

ASSAM COMPANY'S BILL.

The Hon'ble MR. MAINE introduced the Bill to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company), and moved that it be referred to a Select Committee, with instructions to report in a fortnight. He said that he had explained to the Council on a former occasion that this Bill was necessitated by a provision in the private Act of Parliament, 28th and 29th Vic., cap. CXXIX, for the incorporation of the Assam Tea Company. One of the Sections of that Act provided that it was only to come into force when a Bill had been passed by this Council to repeal Act IV of 1855. But the Act of Parliament was not to come into operation until two months after the passing by this Council of the repealing Bill. The Bill which he now introduced proposed to repeal Act IV of 1855. But as he could not suppose that Parliament intended that for two months the Assam Tea Company should be without any constitution, the Bill continued provisionally for two months the incorporation, powers, rights and liabilities of the Company.

The Motion was put and agreed to.

PUNJAB CHIEF COURT BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies, said that the three motions which stood next in his name on the paper were intended to put an end to a doubt which appeared to be entertained by Her Majesty' Secretary of State as to the validity of the Bill, passed at their last sittings, to establish the Chief Court of the Punjab. That Bill now stood on the Statute Book as Act No. XXIII of 1865. Mr Maine did not himself share in the doubt, but he thought the Council would concur with him in considering that, when the matter in question was so serious as the establishment of a Court having not only Civil, but Criminal and indeed capital Criminal jurisdiction, the very possibility of doubt ought to be obviated and removed. In order to explain the nature of the doubt, he would have to retrace the history of the measure.

It was unnecessary to remind His Excellency that, during the summer of 1864, a series of measures was discussed and decided upon by the Government of India, intended partly to improve the administration of Civil and Criminal Justice throughout the country, and partly, and perhaps chiefly, to mitigate the scandal and injustice of bringing down European British subjects for trial at the Presidency Town. The first of these measures, and that which most attracted public attention (and, as Mr. Maine thought, engaged it unfortunately, because, taken by itself, the measure was likely to be misunderstood) was such an alteration of the Criminal procedure of the High Court as would enable it to be worked out and applied at places distant from the Presidency Towns, where the supply of material for juries was scanty. The second was the creation of a High Court for the North-Western Provinces under the High Court's Act, 1861. The third was the establishment of a Chief Court for the Punjab which might be described as a minor High Court, that is, a Court which might improve the administration of justice in that Province by giving to it greater regularity and stability, but which at the same time would not disturb the system characteristic of that Province (a system for which Mr. Maine thought great public gratitude was due) so much as it would probably be disturbed by a complete High Court established under the parliamentary legislation of 1861. The experiment, it would be seen, was on a considerable scale and extremely costly. Nor could it be said to be yet completed, for some less cumbrous and costly machinery was clearly required for the repression of the petty offences of that class of Europeans in the Mofussil with which Mr. Maine supposed the Europeans interested in the great industries of this part of India had extraordinarily little sympathy. It was quite inevitable that the parts of this great scheme should be laid before the Council and the public piecemeal and in a fragmentary shape. The reason was that the legislative power to carry out these various measures was not uniformly distributed. The entire legislative power to reform the Criminal procedure of the High Court resided with that Council, because it was expressly reserved to them by the Letters Patent of the older High Courts. On the other hand the entire legislative power to establish the High Court for the North-Western Provinces belonged to the Secretary of State for India, who, in the name of Her Majesty, could alone create a High Court. Lastly, the power to establish the Chief Court of the Punjab was divided between this legislature and the Secretary of State for India in Council. Almost the whole legislative capacity to create such a Court was lodged with that Council, but there was an exception in one particular on account of the language of 3 and 4 Wm. IV, cap. 85, Section 46, which provided as follows:—

"That it shall not be lawful for the said Governor-General in Council, without the previous sanction of the said Court of Directors, to make any law or regulation whereby power shall be given to any Courts of Justice, other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of death any of His Majesty's natural born subjects born in Europe, or the children of such subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters."

It followed that the previous sanction of Her Majesty's Secretary of State for India in Council was required to give validity to Act No. XXIII of 1865, because, under the Act for the better Government of India, which transferred that Government from the East India Company to the Crown, the words "Secretary of State for India in Council" were to be read wherever in an Act of Parliament the expressions "East India Company" or "Court of Directors" occurred.

That being the state of the law in 1864, the Government addressed the Secretary of State a despatch in which this passage occurred:—

"Although the Select Committee have been directed to make their report within six weeks from the date of the introduction of the Bill, it is not our intention to propose that the Bill should pass into law until we hear from you, and are informed of the views of Her Majesty's Government on the subject of the important changes now proposed in the constitution of the Chief Civil and Criminal Court of the Punjab and its Dependencies, but as it is most desirable that the Bill, if approved, should come into operation with the least possible delay, we venture to solicit an early reply to this letter."

As soon as the despatch reached home, Mr. Maine had reason to believe that it received the attention and indeed the anxious consideration of the Secretary of State in his Council, and the result of that consideration was that full and unreserved sanction was given to the measure. While, however, the discussion was proceeding at the India Office, time was passing here, and the period during which the additional Members could conveniently be kept together was drawing to a close. Accordingly, on the 20th March 1865, the Governor-General telegraphed to the Secretary of State by the Indo-European line, which had recently been opened, to the following effect:—

"With reference to Section 46, cap. 85, 3 and 4 Wm. IV will you sanction by telegram our passing the Punjab Chief Court Bill to come in force whenever the Government of India shall order, such order to await your consent."

To which the Secretary of State replied by telegraph:—

"Previous sanction to Punjab Bill being necessary, sanction has been sent by last mail to Bill in the shape sent home. Previous sanction would be equally necessary for altering Bill."

The meaning of the concluding words Mr. Maine would explain presently.

Now when the last telegram arrived, Mr. Maine had left India for Europe. But Mr. Harington, with his customary sagacity, perceived the necessity of being absolutely sure that the previous sanction had been sufficiently given, and, under his advice, His Excellency consulted the Acting Advocate General on the point. Mr. Graham replied on the 7th of April:—

"I have the honour to state that in my opinion the sanction given by the Right Hon'ble the Secretary of State to the Bill in its original form is sufficient to enable the Council of the Governor-General to legally pass the Bill as finally settled."

Thus advised, the Governor-General, on the 17th April 1865, gave his assent to the Bill, and in the opinion of the Government of India a law or regulation had been made, which, though it transferred the Criminal jurisdiction over Europeans in the Punjab from the High Court to the Chief Court, had received the previous sanction of the Secretary of State for India in Council.

When the Act assented to by His Excellency reached the Home Government, Mr. Maine had reason to believe that two difficulties, one of a very formidable character, suggested themselves to the legal advisers of the Secretary of State. One of them was indicated in the last words of Sir C. Wood's telegram. It took the form of a doubt whether, when previous sanction is required for any

measure of an Indian Legislature, such previous sanction ought not to be given to every line and iota of the contemplated Bill. Consequently it was doubted whether, if the Bill was altered in Select Committee, a fresh sanction was not required for the change, and so on for every subsequent amendment however small. That doubt Mr. Maine had described as formidable, not for its effect on this Council, because its measures rarely required previous sanction of any sort, but because the words "previous sanction" occurred in the Indian Councils' Act. For example, the previous sanction of the Governor-General was required for all alterations of the Penal Code effected by a local legislature, and, as there were few Bills which did not prescribe penalties, the necessity for His Excellency's sanction was continually arising. If, however, this sanction, once given, was invalidated by every petty change in the detail of Bills, it was not too much to say that the whole action of the local Councils would be paralysed; and all local legislation would tend to resolve itself into the shape which it wore before 1861—an interminable correspondence between the Imperial Government and the Governments of the Presidencies. Fortunately, however, the point was referred to the Law-Officers of the Crown—the Attorney and Solicitor General—assisted by Mr. Forsyth, the Counsel to the India Office. Their opinion had recently reached the Government of India, and was to the effect that the previous sanction was sufficiently given if the principal and main provisions of the Indian Act obtained previous sanction, as was the case in the present instance. This opinion exactly agreed with the grounds assigned for his view by the Acting Advocate General, and so far, therefore, the result was eminently satisfactory.

There was, however, reason to believe that it was further doubted by the Secretary of State, of course under legal advice, whether a previous sanction communicated by telegraph was sufficient, and whether the Governor-General ought not to have waited and read the signed despatch of the Home Government before he gave his assent to the Bill. Such an objection Mr. Maine did not think tenable. The telegrahic wire in the one case, the paper and the mail in the other, were only media of communication, and it seemed to Mr. Maine indifferent, in point of law and reason, whether the mind of the Secretary of State was communicated to this Government through one medium or the other. Moreover, not only did the telegram communicate the previous sanction, but it also stated that a written despatch had left England which also signified it. There was yet another fact bearing on the point. Though Mr. Maine was not then in India, and could not speak of these matters as known to himself personally, he had reason to believe that even the written despatch reached India in time to be read by His Excellency before he gave his assent to the Bill, although His Excellency, having been advised that sufficient previous sanction had already been given, did not think fit to await it. It was detained at Allahabad, and was there received by the Governor-General on his way Up-country. Under such circumstances Mr. Maine thought it impossible that any objection to the validity of the Chief Court Act could be successfully raised before a Court of Law. However, the despatch from the Home Government covering the opinion given by the Law-Officers of the Crown ended with the following words:—"This opinion implies that the sanction conveyed by my letter of the 17th March reached you before the passing of the Act." In themselves, the significance of these words might be open to question, but, as Mr. Maine had explained, the doubt was known to have existed, and accordingly the Secretary of State was asked by telegraph whether the Punjab Chief Court might be established. He replied by a reference to the last paragraph of his despatch, which had already been quoted, and thus, on the whole, Mr. Maine was disposed to infer that the Secretary of State adhered to the view of the insufficiency of a telegraphic sanction. If that were so, however, Mr. Maine could not doubt that his duty was to ask the Council to re-enact the measure, not only because every shadow of a question on such a subject ought to be removed, but because, if the Secretary of State did entertain such a doubt, it was clearly his duty to withhold his assent from the Act; and such assent had not been received in any absolute form.

Mr. Maine's reasons for asking the Council to re-enact the Bill summarily and as a matter of form were these: It had received the completest approval on its merits from the Home Government. It was most fully discussed in Council and sifted in Committee. It passed without a division and without verbal opposition, for the very gentleman, Mr. Bullen, who had felt objections to some part of the series of measures which Mr. Maine had described, had waived those objections so far as this particular measure was concerned, and had concurred in the urgent necessity for passing it.

The Motion was put and agreed to.

The Hon'ble MR. MAINE having applied to His Excellency the President to suspend the Rules for the Conduct of Business,

The President declared the Rules suspended.

The Hon'ble MR. MAINE then introduced the Bill, and moved that it be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. MAINE also moved that the Bill be passed.

The Motion was put and agreed to.

PUBLIC MUSEUM (CALCUTTA) BILL.

The Hon'ble MR. MAINE asked leave to postpone the Motion which stood next on the List of Business; for leave to introduce a Bill to provide for the establishment of a Public Museum at Calcutta, as the necessary preliminary arrangements with the Asiatic Society were not as yet sufficiently advanced.

Leave was granted.

SUMMARY PROCEDURE ON BILLS OF EXCHANGE BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to provide a Summary Procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.

The following Select Committee was named:—

On the Bill to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company)—The Hon'ble Messrs. Cowie, Gordon, Rossand the Mover.

The Council adjourned till the 23rd February.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

CALCUTTA,
The 16th February 1866.

PUBLIC WORKS DEPARTMENT.

Doubling of the North-East Extension of the Great Indian Peninsula Railway as far as Bhosawul Junction.

From LIEUT. COLONEL C. H. DICKENS, R. A., Secy. to Govt. of India, P. W. Dept., to Secy to Govt. of Bombay, Railway Dept.,—(dated 26th July 1865.)

I am directed to invite the attention of the Government of Bombay to the desirability of considering the question of the early doubling of the section of the Great Indian Peninsula Railway between the top of the Thull Ghât and Bhosawul Junction.

2. The traffic on the Great Indian Peninsula Railway is already very heavy; heavier per mile open than on any other line in India.* The traffic on the Concan Section is doubtless very much heavier than above the Ghâts, but from Bombay to the top of the Thull Ghât the line is either double or about to be made so. With the near approach, however, of the opening of the Nagpoor Branch to the Wurda, and to the city of Nagpoor itself, and the possible completion of through communication between the North-Western Provinces and Bombay in 1867 or 1868, it may not be considered premature to arrange even now for the doubling of the section referred to. The through traffic will doubtless at once prove very large, and the Berar and Nagpoor will pour upon the main line a heavy supply at certain seasons.

* *Average receipts per mile open during* 1864-65.

		Rs.
G. I. P. Railway	...	14,654
E. I. Railway	...	13,439

3. The Government of India has already communicated with the Secretary of State as to the doubling of the East Indian Railway as far as Allahabad, and judging by past experience of the development of traffic, it can scarcely be completed a day too soon if set about at once. With an existing larger traffic, and similar grounds for anticipating its development, the same may be said of the doubling of the section of the Great Indian Peninsula Railway between Bhosawul and Egutpoora, and I am therefore directed to request that you will bring the matter under the consideration of the Government of Bombay, and should His Excellency the Governor in Council concur in thinking that it is not premature to urge it on the attention of Her Majesty's Government, that he will address the Secretary of State without loss of time.

4. It may be added that in the case of the East Indian Railway, the Secretary of State has desired that time may be allowed for the *Shareholders* to consider the question of doubling the line. This is an additional reason for early action in proposing the matter to the Home Government.

From the Govt. of India, to the Right Hon'ble the Secy. of State for India,—(dated Simla, 26th July 1865.)

Impressed with the necessity of making timely arrangements for the doubling of the section of the Great Indian Peninsula Railway between the top of the Thull Ghât and the Bhosawul Junction, and with reference to the desire expressed in your despatch No. 17, dated 16th June 1865, that in the case of the East Indian Railway time should be allowed to consult the Shareholders on such occasions, we have suggested to the Government of Bombay to take the matter into consideration, and, should that Government concur in thinking that it is not premature to urge it on your attention at the present time, to address you on the subject without loss of time.

2. We beg your perusal of our Secretary's letter to the Government of Bombay, copy of which accompanies.

From LIEUT. COLONEL H. DRUMMOND, R. E., Under Secy. to Govt. of N. W. P., in the P. W. Dept., Railway Branch, to Secy. to Govt. of India, P. W. Dept.,—(dated 7th October 1865.)

I am desired by the Hon'ble the Lieutenant Governor to request that you will bring to the notice of His Excellency the Viceroy in Council the necessity which will be felt of doubling the line through all the way to Bombay directly the East Indian and Great Indian Peninsula Railways have opened to Jubbulpoor.

2. As regards the former, that will take place in April 1867. Of the latter, equally certain information is not possessed by this Government.

3. It is believed that sanction has lately been given to double the line of the Great Indian Peninsula to the top of the Thull Ghât, and thence to Bhosawul, the junction of the two great extensions to Nagpoor and Jubbulpoor; it is considered imperatively necessary that provision for doubling the line should be made forthwith. This must naturally be the case. Two such long and important streams of traffic as those down the valleys of the Taptee and Nerbudda cannot be conveyed on one line. Bhosawul is to the Great Indian Peninsula what Nynee Junction near Allahabad is to the East Indian Railway. But what is now submitted for consideration is, whether early provision should not be made for doubling the line from Bhosawul to Nynee.

4. It should be borne in mind that the Jubbulpoor Extensions of the two Railways will have to carry the through traffic between the east and west coasts of India in addition to their local traffic, and to the traffic which each would convey to the sea-board, supposing them not to have a common terminus at Jubbulpoor.

5. In addition to the above, the Jubbulpoor Extensions will have to carry the traffic of the North-West Provinces and Oudh with Bombay. For bulky goods to and from Europe, this route will probably not be chosen, as the distance from Nynee to Bombay is 808 miles, while from Nynee to Calcutta it is only 624, which will be still further shortened by the chord line from Raneegunge to Luckeeserai. But for passengers and overland goods, the Bombay route will no doubt have the preference.

6. As regards the carriage of mails, doubling the line throughout will have a most important bearing. Assuming that it is determined, or will shortly be determined to double the line from the Thull Ghât to Bhosawul, and from Luckeeserai to Nynee, there will remain the distance from Nynee to Bhosawul over which the mails will have to be conveyed on a single line, viz., 558 miles. How will this affect the delivery of mails to all stations to the east, north, and north-west of Nynee? The speed at which mails are now carried on the East Indian Railway is 20 miles an

hour, including stoppages. On a long single line a greater speed could hardly with safety be insisted upon. On a double line, 40 miles an hour, including stoppages, might very fairly be demanded.

7. With a weekly steamer, therefore, from Bombay to Aden, there would be a gain in time in the communication between Bengal and the Upper Provinces with England of $\frac{458}{40} \times 2 \times 52 = 58$ (weeks, days) and 12 hours per annum, if the line between Nynee and Bhosawul were doubled.

8. As regards the cost of doubling. The Jubbulpoor Extension of the East Indian Railway will be completed for a double line with the exception of the iron girder bridges, and the ballasting, sleepers, and rails of one line. The extension could be completed for a double line at a probable cost of £3,000 per mile, and as its length is 222 miles, the total additional cost to the East Indian Railway Company would be 222 × £3,000= £666,000.

9. As the banks and cuttings of the Jubbulpoor Extension of the Great Indian Peninsula have been made for a single line only (their bridges being for a double line except one or two of the larger ones) to complete their length to a double line, would probably cost £5,000 per mile, and the capital that will have to be raised by the Company would be 336 × £5,000 = £1,680,000, or say a million and a half.

10. The subject is of much more serious consideration to the Great Indian Peninsula than to the East Indian Railway Company, a portion of whose capital will already have been sunk unremuneratively in the substratum of their line.

11. But still the Lieutenant Governor thinks the matter is one which well deserves the early consideration of both the Companies concerned and of Government, for it cannot be disputed that the full advantage of the through communication cannot possibly be attained until the whole line has been doubled throughout.

From LIEUT. COLONEL C. H. DICKENS, R. A., Secy. to Govt. of India, P. W. Dept., to Under Secy. to Govt. of N. W. P., in the P. W. Dept., Railway Branch,—(dated 26th October 1865.)

I am directed to acknowledge the receipt of your letter No. 232, dated 7th October 1865, and to intimate for the information of the Lieutenant Governor that the Secretary of State has already been addressed by the Government of Bombay on the subject of doubling the Great Indian Peninsula Line right through to Jubbulpoor. The Government of India does not doubt that the measure will, ere many years are passsed, be demanded by the traffic; but it will be satisfied if, in the first instance, the doubling of the Great Indian Peninsula Railway is authorized to be carried out as far as Bhosawul Junction only, and it is disposed to think that by proceeding with the most important parts first and separately, the object will be attained with greater certainty than by attempting all at once.

2. In forwarding the present expression of the Lieutenant Governor's views on this subject to the Secretary of State, he will be addressed in the sense of the foregoing remarks.

From the Govt. of India, to the Right Hon'ble the Secy. of State for India,—(dated 16th November 1865.)

In continuation of our despatch No. 67, dated 26th July 1865, and referring to that from the Government of Bombay to your address, No. 39, dated 28th September 1865, we have the honor to forward for your information copy of a letter from the Government of the North-Western Provinces, proposing that arrangements should be made for doubling the railway between Allahabad and Bombay entirely.

2. Though it may not be premature to contemplate the necessity for doubling the line throughout between Calcutta and Bombay, we are of opinion that by proceeding with the most important parts first and separately, the object will be better attained than by attempting all at once. We do not therefore recommend any modification of the course of procedure previously proposed by us.

From the Govt. of Bombay, to the Right Hon'ble the Secy. of State for India,—(dated 28th September 1865.)

We beg to forward a copy of a letter* addressed to us by the Government of India, inviting our attention to the desirability of considering the question of early doubling the section of the Great Indian Peninsula Railway between Egutpoora and Bhosawul.

* No. 618 R, dated 26th July 1865.

2. We beg to state that it has long been the opinion of this Government that the line should be doubled, not only to the point suggested by the Government of India, but also on to Jubbulpoor.

3. Judging from the great increase in the traffic since the railway was opened, it may be confidently anticipated that the number of goods trains run will soon be very great, and a double line will then be a necessity to avoid the risk of collision if the mails and passengers from Bombay to the North-West Provinces and Calcutta are to be conveyed, as they should be, at express rates of travelling.

4. There will necessarily be a great advantage in point of time in completing both sections at once, and we beg to submit the complete project for your favorable consideration.

5. We append copies of the Agent's and Consulting Engineer's reports on the subject.

From the Right Hon'ble the Secy. of State for India, to His Excellency the Right Hon'ble the Govr. Genl. of India in Council,—(dated 15th December 1865.)

Para. 1.—I have received your Excellency's despatch of the 26th July last, No. 67, suggesting the adoption of timely arrangements for doubling the Great Indian Peninsula Railway from the top of the Thull Ghât to Bhosawul Junction. On being subsequently placed in possession of the views of the Government of Bombay on the same subject, I communicated with the Directors regarding it, and have been informed by them, in reply, that they consider the time to have arrived for taking active steps in the matter. In this opinion I also concur.

2. The accompanying copy of a despatch,† with enclosures, which I have this day addressed to the Government of Bombay, will fully acquaint you with the steps about to be taken with a view to the proposed doubling.

† No. 29.

From the Right Hon'ble the Secy. of State for India, to His Excellency the Hon'ble the Govr. in Council, Bombay,—(dated 15th December 1865.)

Para. 1.—I have received and considered in Council your Excellency's despatches of the 28th September and 28th October last, Nos. 39, 41,* and 42,* relative to proposals for doubling a further section of the Great Indian Peninsula Railway.

* Not printed.

2. I have been in communication with the Directors of the Railway Company on the subject, and a copy of the correspondence with them is transmitted herewith for your information, together with a copy of a letter No. 260, addressed in consequence by the Directors to their Agent. You will observe that the Board agrees with you in opinion that it has become expedient to take measures for doubling the line from Egutpoora, at the top of the Thull Ghât, to Bhosawul, the point of junction of the lines from Jubbulpoor and Nagpoor respectively. In this opinion I also concur.

3. The Directors are desirous that this section should be completed as a double line simultaneously with the opening of the line to Jubbulpoor, and I join with them in thinking that this should, if possible, be done.

4. With reference to your recommendation that the doubling of the line should be extended as far as Jubbulpoor, I will only at present remark that the consideration of that question may very well be deferred.

ENCLOSURES.

No. 1.

From the Under Secy. of State for India, to the Secy. of the Board of Directors of the G. I. P. Railway Co.,—(dated 16th November 1865.)

I am directed by the Secretary of State for India to forward herewith copies of papers received from the Government of Bombay, on the subject of a proposal to double a further portion of the Great Indian Peninsula Railway.

The Government of India recommend that the line should be doubled from Egutpoora to Bhosawul, and their reasons for this recommendation are given in a letter to the Government of Bombay of the 26th July last. The Government of Bombay, however, state that it has long been their opinion that the line should be doubled, not only to the point suggested by the Government of India, but also on to Jubbulpoor.

They add that, "judging from the great increase in the traffic since the railway was opened, it may be confidently anticipated that the number of goods trains run will soon be very great, and a double line will then be a necessity to avoid the risk of a collision, if the mails and passengers from Bombay to the North-West Provinces and Calcutta are to be conveyed, as they should be, at express rates," and that "there will necessarily be a great advantage in point of time in completing both sections at once."

Sir Charles Wood will be glad to be furnished with the Board's views on these proposals.

No. 2.

From the Secy. to the G. I. P. Railway Co., to the Under Secy. of State for India,—(dated 5th December 1865.)

I am desired by the Board of Directors to acknowledge the receipt of Lord Dufferin's letter of the 16th instant, upon the subject of a proposal emanating from the Government of India to double a further portion of the north-east division of this Company's line of railway.

2. This extremely important subject has lately occupied much of the Directors' attention, a copy of the letter of the Government of India to the Government of Bombay, of which a copy was enclosed with Lord Dufferins' letter, having been forwarded to the Board by Captain Sherard Osborn, their Agent in Bombay.

3. In that letter the Government of India point out that "the traffic on the Great Indian Peninsula Railway is already very heavy, heavier per mile open than on any other line in India," that "from Bombay to the top of the Thull Ghât the line is either double or about to be made so," and that with "the near approach of the opening of the Nagpoor branch to the Wurdah, and of the city of Nagpoor itself, and the possible completion of through communication between the North-Western Provinces and Bombay in 1867 or 1868, it may not be considered premature to arrange even now for the doubling of the section referred to," that is, the section from Egutpoora, at the top of the Thull Ghât, to Bhosawul, where the lines to Jubbulpoor and Nagpoor divide, a distance of 190¾ miles.

4. Upon receipt of the letter of the Government of India, the Bombay Government forwarded a copy of it to Captain Osborn, and requested his opinion upon the subject. In reply, he stated that he cordially concurred in the views of the Supreme Government and observed—"I have not the slightest doubt of the single line of rail between Bhosawul and Egutpoora being perfectly blocked with traffic directly the lines open to Budnairi on the one hand and Kundwah on the other, both of which places, I trust, we shall see in direct communication with Bombay before many months elapse."

5. It also appears by the enclosures of Lord Dufferin's letter that Colonel Delisle, the Consulting Engineer for Railways, Bombay, considers "the doubling of the Great Indian Peninsula Railway line absolutely necessary, not only for the section from Egutpoora to Bhosawul, but for the extension from Bhosawul to Jubbulpoor," and it is stated in Lord Dufferin's letter that "the Government of Bombay state that it has long been their opinion that the line should be doubled, not only to the point suggested by the Government of India, but also on to Jubbulpoor."

6. The opinion of the authorities in India is thus shown to be unanimous in favor of the proposed measure being at once undertaken.

7. It is unfortunate, however, that it did not occur to any of them to set forth clearly the amount and nature of the existing traffic upon the north-east line, nor whether the single line, as now constructed, might not be made available for a much larger traffic by the introduction, at shorter intervals, of passing places for trains. Upon these essential points to a satisfactory disposal of the matter the Board are left nearly in the dark, such information respecting them as they do possess having had to be gathered from returns furnished to the Board for other purposes, and bearing but imperfectly upon the question.

8. By these it appears that, in the half-year ended the 30th June last, the Company carried

No. 9.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 3, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th February 1866, and is hereby promulgated for general information :—

ACT No. IV OF 1866.

An Act to amend the constitution of the Chief Court of Judicature in the Punjab and its Dependencies.

Preamble.

Whereas it is expedient to amend the constitution of the Court of the Judicial Commissioner of the Punjab and its Dependencies, and to invest the Judges of the Court constituted under this Act with an original jurisdiction for the trial of certain Civil and Criminal cases; And whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is enacted as follows :—

Interpretation of terms.

1. In this Act, unless there be something repugnant in the subject or context—

"Punjab."

"Punjab" means the Territories for the time being under the Government of the Lieutenant-Governor of the Punjab and its Dependencies.

"Lieutenant-Governor."

"Lieutenant-Governor" means the Lieutenant-Governor for the time being of the Punjab.

"Chief Court."

"Chief Court" means the Chief Court of the Punjab constituted under this Act.

"Judge," "Registrar."

"Judge," "Registrar," and other words denoting any particular Officer respectively include any person for the time being authorized to act as such Judge, Registrar or other Officer.

"Magistrate."

"Magistrate" denotes any person exercising any of the powers of a Magistrate as defined in the Code of Criminal Procedure.

"Barrister."

"Barrister" includes Barristers of England or Ireland, and Members of the Faculty of Advocates in Scotland.

"Section."

"Section" denotes a Section of this Act.

Number.

Words in the singular include the plural: words in the plural include the singular.

Gender.

Words importing the masculine gender include females.

Constitution of Chief Court.

2. The Court constituted under this Act shall be styled the Chief Court of the Punjab, and shall consist of two or more Judges, who shall be appointed by the Governor General of India in Council, and of whom one at least shall always be a Barrister of not less than five years' standing: Provided that the person who at the time of the constitution of the Chief Court shall be the Judicial Commissioner of the Punjab, shall become a Judge of such Court without further appointment for that purpose.

Precedence of Judges of Chief Court.

3. The Judges of the Chief Court shall have rank and precedence in the Court according to the seniority of their appointments as such Judges.

Tenure of office of Judges of Chief Court.

4. The Judges of the Chief Court shall hold their offices during the pleasure of the Governor General of India in Council.

5. Previously to entering on the execution of the duties of his office, every Judge appointed under this Act shall make or subscribe the following declaration before the Lieutenant-Governor or such authority or person as he may commission to receive the same :—

Declaration to be made by persons appointed Judges of Chief Court.

"I, A. B., appointed Judge of the Chief Court of the Punjab, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

6. The Judges of the Chief Court with the sanction of the Lieutenant-Governor may, from time to time, appoint a person to be the Registrar of the said Court. The Registrar shall be the principal Ministerial Officer of the Court, and shall have such powers, and perform such duties, as shall be given and assigned to him by the Court by any rule duly made by the Court under the forty-fourth Section.

Appointment of Registrar.

7. The Judges of the Chief Court may, from time to time, and subject to any rules and restrictions which may be prescribed by the Governor General of India in Council, appoint a Deputy Registrar and such and so many Clerks and other Ministerial Officers as shall be found necessary for the administration of justice by such Court, and the due execution of the powers and authorities given to it by this Act.

Appointment and removal of Ministerial Officers.

8. Every Officer appointed under either of the last two preceding Sections shall be liable to dismissal by order of the Chief Court: Provided that neither the Registrar nor Deputy Registrar shall be removed from office without the sanction of the Lieutenant-Governor.

Dismissal of Officers of Court.

9. The Chief Court shall have, and use as occasion may require, a Seal with this inscription, "The Seal of the Chief Court of the Punjab," to be made under the directions of the Lieutenant-Governor; and all summonses, decrees and other process issuing out of the Court shall be stamped with such Seal, and signed by a Judge or the Registrar or Deputy Registrar of the Court.

Seal of Chief Court.

Processes to be sealed with Court Seal, and signed by Judge or Registrar.

10. Any person duly authorized by the Secretary of State for India in Council to appear, plead or act on his behalf; (2) any suitor appearing, pleading or acting on his own behalf or on behalf of a co-suitor; (3) any person who, for the time being, is an Advocate, Vakeel or Attorney-at-law of any of the High Courts of Judicature in India or of the Sudder Court of the North-Western Provinces,—shall be permitted to appear and act as the Pleader of any suitor in the Chief Court in any suit or touching any matter whatever. Save as aforesaid, no person shall be permitted to appear or act as the Pleader of any suitor in the Chief Court in any suit or touching any matter whatever, unless such person shall have been previously licensed by the Court to act for the suitors of Such Court generally, or specially for the particular occasion. It shall be lawful for the Judges to make rules for the qualifications and admission of proper persons to act as Pleaders in the Court.

Agent for Secretary of State, suitors and Advocates, &c., of High Courts may appear and plead.

Licensing of Pleaders.

Rules regarding their qualifications and admission.

11. The Chief Court may for sufficient reason revoke any license which the Court shall at any time grant to any person to act generally or specially as a Pleader under this Act, and may for sufficient reason suspend any person whatsoever from appearing or acting as a Pleader in any suit, or touching any matter.

Power to suspend or revoke Pleaders' license.

12. The fees to be received by any Pleader, other than an Advocate of a High Court, shall be subject to the order and control of the Court, and no fees shall be recoverable by any such Pleader except such fees as shall be allowed under the forty-fourth Section.

Fees of Pleaders to be subject to control.

13. The Chief Court shall be the highest Court of Appeal from the Civil and Criminal Courts in the Punjab, and shall (subject to the provision hereinafter contained) be the only Court exercising appellate jurisdiction in such cases (whether relating to the title or succession to land or to the possession or any right in respect of land or otherwise) as are subject to appeal to the highest Civil and Criminal Court in the Punjab, by virtue of any law or practice now in force, or as shall become subject to appeal to the Chief Court by virtue of any law hereafter made by the Governor General of India in Council. Provided that when a Settlement of Land Revenue shall be in progress, and the Local Government, under Act No. XIX of 1865 *(to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies)* shall have invested the Financial Commissioner of the Punjab with the power of a Court of final appeal in any class of suits regarding land, or the rent revenue or produce of land, the jurisdiction of the Chief Court shall, so far as regards such class of suits, be barred during the continuance of the power with which such Commissioner shall have been so invested.

The Chief Court to be the ultimate Court of Appeal from the Civil and Criminal Courts in the Punjab.

14. The Chief Court may remove and try and determine as a Court of original jurisdiction any suit being or falling within the jurisdiction of any Court subject to its superintendence when the Chief Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice.

Extraordinary original Civil jurisdiction.

15. The Chief Court may withdraw any suit or appeal from any Court subject to its superintendence other than a Court of Small Causes or a Court of a Cantonment Magistrate, and refer such suit or appeal for trial to any other

Power to transfer suits and appeals from one subordinate Court to another.

subordinate Court competent in respect of the value or amount of the suit to try the same.

Power to call for record of cases decided by subordinate Courts.

16. The Chief Court may call for the record of any case decided by any Court of Small Causes, or on appeal by any Court subject to its superintendence in which no appeal shall lie to the Chief Court, if such Court of Small Causes or subordinate Court in hearing the appeal shall appear to have exercised a jurisdiction not vested in it by law.

Special appeal from Courts in Punjab to lie only to Chief Court.

17. All special appeals preferred after the date on which the Chief Court is established, from the decrees of Civil Courts of whatever grade in the Punjab, shall lie to and shall be heard by the Chief Court only, and not by any other Court.

Regulation of proceedings in Civil suits.

18. Save as in this Act is otherwise provided, the proceedings in the Chief Court in Civil suits of every description between party and party shall be regulated by the rules relating to Civil Procedure for the time being in force in the Punjab.

In exercise of its Civil jurisdiction, law of the local Courts to apply.

19. In the exercise of its Civil jurisdiction, Original as well as Appellate, such rules of law or equity and good conscience shall (until otherwise provided) be applied by the Chief Court in each case coming before it, as would have been applicable to such case by any local Court having jurisdiction therein.

Power to try European British subjects.

20. The Chief Court shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial; and from the date on which this Act shall come into operation, no commitment of a European British subject for trial by a High Court of Judicature, shall be made by any Court or Officer in the Punjab; but every commitment which, if this Act had not been passed, could have been made to a High Court, shall be made to the Chief Court. Whenever any such European British subject shall be committed or bailed for trial before the Chief Court, the Chief Court shall direct at what place within the limits of its jurisdiction the trial shall be held.

Charge to be delivered to Registrar with commitment of European British subject.

21. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any European British subject for trial before the Chief Court, shall, together with the record of the preliminary enquiry and all recognizances and other documents and any weapon or article of property connected with the case, deliver to the Registrar of the Chief Court a written instrument of charge signed by him, stating for what offence such European British subject is so committed or held to bail.

Chief Court to consider, and, if it will, to amend, alter or add to the charge.

Charge with amendments, alterations or additions (if any) to be recorded.

22. The Chief Court shall consider the charge, and may, if it appear necessary or expedient so to do, amend, alter or add to the same. The charge, with such amendments, alterations or additions, if any, shall be recorded in the Chief Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations or additions (if any) gratis.

Accused to have copies of examinations.

23. The person charged shall also, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions of the witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same, not exceeding one anna for each folio of ninety words.

Effect of charge.

24. Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the Chief Court in due course of law, and (subject to the provisions contained in the Code of Criminal Procedure as to the amendment and alteration of charges, and subject also to the provisions of the next following Section) shall be tried upon the charges so recorded.

Chief Court may order an unsustainable charge not to be proceeded with.

Effect of such order.

25. When any such charge shall have been recorded in the Chief Court as aforesaid, and shall at any time before the commencement of the trial of the person charged appear to the Chief Court to be clearly unsustainable, an entry to that effect may be made on the charge by a Judge of the Court. Such entry shall have the effect of staying proceedings upon the charge, but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

Places of holding sittings.

26. The Chief Court shall ordinarily hold its sittings at the seat of Government of the Punjab: but it may from time to time, with the approval of the Lieutenant-Governor, hold sittings at such other places in the Punjab as shall seem convenient. Due notice shall be given beforehand in the Official Gazette of all sittings intended to be held for the trial of cases in the exercise of the original Criminal jurisdiction of the Court.

Procedure pending directions of Chief Court as to place of trial of European British subject.

27. Pending the directions of the Chief Court as to the place of trial, every such European British subject as is referred to in the twenty-first Section shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest Criminal jail in which he can be most

conveniently confined. If the trial shall be directed to be held at the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the jail at such place. If the Chief Court shall direct that the person charged be tried elsewhere than at its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial at the place directed, or shall, if necessary, cause him to be removed to the Criminal jail of or nearest to the place at which he is directed to be tried; and the Officer in charge of such Criminal jail shall keep him in safe custody until discharged in due course of law.

Chief Court may order European British subjects committed in certain Districts in certain seasons of the year to be tried at a particular place and confined in a particular jail.

28 It shall be lawful for the Chief Court to direct that all European British subjects committed or bailed for trial within certain specified Districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court, or to direct that they shall be tried at a particular place named, and also to order that such European British subjects shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

Trials under Section 20 to be by Jury.

29. All trials under the twentieth Section shall be by Jury.

Summoning of Jurors to serve on trials.

30. Whenever the Chief Court shall have given notice of its intention to hold sittings at any place (whether at the seat of Government of the Punjab or otherwise) for the exercise of its original Criminal jurisdiction, the Court of Session at such place shall take and cause to be taken the measures prescribed by Sections three hundred and thirty-six to three hundred and forty, both inclusive, of the Code of Criminal Procedure for the summoning of Jurors; and in addition to the persons so summoned as Jurors, the said Court of Session shall, if it shall think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident within ten miles of its place of sitting as the Court shall consider to be necessary to make up the Juries required for the trial of European British subjects charged with offences before the Chief Court as aforesaid. All Commissioned and Non Commissioned Officers so summoned shall be liable to serve on such Juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military duty or for any other special Military reason. The Juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said Sections of the Code of Criminal Procedure, and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if no such Officers have been summoned, then solely from the persons summoned under the same Sections.

Military men not exempt.

Jury for trial of European British subject.

31. If any European British subject charged as aforesaid shall so require before the Jury shall be empannelled, the majority of the Jurors shall consist of Europeans or Americans or both Europeans and Americans.

Number of Jury requisite to verdict of guilty.

32. On every trial of an European British subject under this Act, the Jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

Portions of Section 380 of Criminal Procedure Code not to apply to sentences by Chief Court.

33. So much of the three hundred and eighteth Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said Section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by the Chief Court passed in the exercise of its original Criminal jurisdiction.

Portion of 26th Chapter of Criminal Procedure Code not to apply to sentences of Court.

34. So much of the twenty-sixth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form, shall not apply to judgments, sentences or findings in trials before the Chief Court acting in the exercise of its original Criminal jurisdiction; but the Chief Court shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as it shall think proper.

Power to single Judge to reserve for Chief Court any question of law or evidence

35. When any person has been convicted of an offence before a Judge of the Chief Court acting in the exercise of its original Criminal jurisdiction, the Judge, if he think proper, may reserve for the decision of a Court consisting of such Judge and one or more other Judge or Judges of the Chief Court, any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail of the District or

Procedure where no such question reserved.

place in which the trial was held, and on the receipt of the warrant such Magistrate or other Officer shall proceed as provided in the three hundred and eighty-fifth Section of the Code of Criminal Procedure. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision thereon, be remanded to jail. If the decision on the question be adverse to the person convicted, the Court shall send a copy of its sentence and a warrant for the execution of the same to the Magistrate or other Officer in charge of the jail to which the prisoner shall have been remanded, and such Magistrate or other Officer shall proceed as provided in the same Section.

Save as aforesaid, Criminal Procedure Code to apply to Juries, trials, sentences and execution.

36. Save as is hereinbefore otherwise provided, the Code of Criminal Procedure shall apply to the constitution and formation of Juries for the purpose of trials before the Chief Court acting in the exercise of its original Criminal jurisdiction and to trials before such Court and to sentences by such Court and to the carrying into execution of such sentences.

British subjects to be amenable for offences committed in foreign territory.

37. Every European British subject apprehended within the Punjab, or delivered into the custody of a Magistrate within the Punjab wherever apprehended, shall be amenable to the law for any offence committed by him within the territory of any Foreign Prince or State, and may be bailed or committed for trial as hereinafter provided on the like evidence as would warrant his being bailed or committed for trial for the same offence if it had been committed in the Punjab.

Committing Magistrate to report to the Lieutenant-Governor.

38. The committing Magistrate immediately and before the trial shall report the case to the Lieutenant-Governor, and shall obey the orders which he shall receive thereon, and the Lieutenant-Governor may order the trial to be had before the Chief Court.

If the offence is committed where there is a competent Court, Lieutenant-Governor may take steps to have trial there.

39. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by Officers acting under the authority of the Government of India, in which territory a Court competent to try the person charged is established by authority of the Governor General of India in Council, the Lieutenant-Governor may order such person to be conveyed in custody out of the Punjab for the purpose of delivering him up for trial before such Court.

Form of warrant of commitment and of bail-bond.

40. When the person charged is committed to custody, the form of the warrant shall specify the commitment to be until the orders of the Lieutenant-Governor can be received and acted on. When he is bailed, the form of the bail-bond shall be in the first instance to appear before the Magistrate on a certain day assigned, allowing reasonable time for the receipt of the orders of the Lieutenant-Governor, and on such subsequent days as the Magistrate shall from time to time require. If the Lieutenant-Governor shall order the person charged to be tried in the Chief Court, the Magistrate may cause the bail-bond to be renewed in the usual form to appear and take his trial in such Court.

Order of Lieutenant-Governor to be full authority.

41. In either case the special order of the Lieutenant-Governor shall be deemed full authority either for the trial of the person charged within the Punjab, or for conveying him in custody out of the Punjab as aforesaid.

Two Judges at least necessary to reverse or modify sentences or decrees of Sessions or Civil Judges.

42. No decree of any Civil Court shall be reversed or modified on appeal, and no sentence of any Criminal Court shall be reversed or modified on appeal or revision, save by the order of not less than two Judges of the Chief Court.

Chief Court may provide for exercise of the Court's jurisdiction by one or more of its Judges.

43. Save as herein otherwise provided, the Chief Court may by its own rules provide for the exercise, by one or more Judges, of the original and appellate jurisdiction vested in such Court, in such manner as may appear to such Court to be convenient for the due administration of justice.

Chief Court to superintend subordinate Courts, and to frame rules of practice for itself and such Courts.

44. The Chief Court shall have superintendence over all Courts which may be subject to its appellate jurisdiction, and shall have power to call for returns, to make and issue general rules for regulating the practice and proceedings of the Chief Court and of such subordinate Courts, to give and assign to the Ministerial Officers of the said Chief Court and subordinate Courts respectively such powers and duties as may seem fit, to frame and prescribe forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the Officers, and to settle Tables of Fees to be allowed to Pleaders, and from time to time to alter any such rule or form or table; and the rules so made, and the forms so framed, and the tables so settled, shall be published in the Official Gazette and after being so published shall be used and observed in the Chief Court: Provided that such general rules and forms and tables be not inconsistent with the provisions of this Act or any law in force, and shall before they are issued have received the sanction of the Lieutenant-Governor.

Provisions as to proceedings pending in Judicial Commissioner's Court.

45. The Chief Court shall have jurisdiction in all proceedings pending in the Court of the Judicial Commissioner of the Punjab at the time of the constitution of the Chief Court, and all previous proceedings of the Court of the said Commissioner shall be dealt with as if the same had been had in the Chief Court.

46. If the Chief Court shall consist of two Judges only, and if in any case heard by such Judges sitting together there shall be a difference of opinion between them, the following course shall be pursued, that is to say :—

Procedure in case of difference of opinion between Judges when Court consists of only two.

(1st.)—If the case be heard in appeal and the difference of opinion shall be on any question of fact in the finding of the Lower Court, the finding shall be upheld.

1st.—On appeal on a question of fact.

(2nd.)—If the difference of opinion shall be on a point of law or of usage having the force of law, the ruling of the Lower Court shall in such case also be upheld, unless one of the Judges shall be of opinion that the point is one which ought to be referred to the High Court of Judicature at Calcutta, in which case the Judges shall state the point as to which they differ, and forward such statement, with their own opinions respectively, to such High Court. The Chief Court may proceed in the case notwithstanding such reference, and may pass a decree contingent upon the opinion of the High Court on the point referred ; but no execution shall be issued in any case in which a reference shall have been made until the receipt of the order of the High Court.

2nd.—On appeal on a question of law.

(3rd.)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion shall be on a point of law or usage having the force of law, the Judges shall state the point on which they differ, and proceed, as last hereinbefore provided. The same rule shall be observed when a difference of opinion may arise between two Judges of the Court upon a point of law reserved under the thirty-fifth Section.

3rd.—In exercise of original jurisdiction on a question of law.

(4th.)—If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion be on a question of fact, the opinion of the Senior Judge shall prevail, and he shall pronounce his decision as the decision of the Court.

4th.—In exercise of original jurisdiction on a question of fact.

47. Cases referred under this Act for the opinion of the High Court of Judicature at Calcutta shall be heard by not less than three Judges of that Court, and shall be determined according to the opinion of the majority of such Judges.

Hearing and decision of referred cases

48. The parties to such cases may appear, plead and act in the said High Court in person, or by an Advocate or Vakeel of such High Court; and the High Court, when it has heard and considered the case, shall transmit a copy of its opinion under the seal of the Court and the signature of the proper Officer of the Court, to the Judges of the Chief Court. Costs, if any, consequent on the reference of a case for the opinion of the High Court, under the forty-sixth Section, shall be costs in the suit.

Parties may appear in person, or by Advocate or Vakeel.

Transmission of judgment of High Court and proceeding thereupon.

Costs of reference to High Court.

49. The Chief Court shall keep such registers, books and accounts, and submit to the Lieutenant-Governor such statements of the work done in the Court as may be required by him. The Chief Court shall also comply with such requisitions as may be made by the Governor General of India in Council or by the Lieutenant-Governor for certified copies of or extracts from the records of the Court.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

Copies of records to be furnished.

50. Save as is in this Act otherwise expressly declared, any function which is hereby directed to be performed by the Chief Court may be performed by any Judge or Judges thereof appointed in that behalf by any rule made under the forty-fourth Section.

Chief Court's functions exercisable by single Judge.

51. Whenever the Lieutenant-Governor of the Punjab shall, under the authority vested in him by Section forty-seven of the Pleaders, Mookhtars and Revenue Agents' Act, 1865, extend the provisions of the said Act to the Territories under his Government, nothing in the said Act shall affect the provisions of Sections ten, eleven and twelve of this Act.

Sections 10, 11 and 12 not to be affected on extension to Punjab of Act XX of 1865

52. Act No. XXVII of 1865 *(to make temporary provision for the decision of Civil Appeals in the Districts within the Lieutenant-Governorship of the Punjab)* is hereby repealed : Provided that all appeals which under the provisions of such Act shall be pending before the Financial Commissioner of the Punjab at the date of the passing of this Act may be heard and decided by him as if the present Act had not been passed.

Repeal of Act No. XXVII of 1865

53. This Act may be cited as "The Punjab Chief Court Act, 1866."

Short title

54. This Act shall come into operation on such day as the Governor General of India in Council shall fix by a Notification published in the Gazette of India.

Commencement of Act.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India.
Home Department (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd February 1866, and is hereby promulgated for general information :—

ACT No. V OF 1866.

An Act to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.

Preamble.

Whereas it is expedient to provide a summary procedure for the recovery of money due on dishonoured Bills of Exchange, Hundís and Promissory Notes; and whereas inconvenience is felt by persons engaged in trade by reason of the laws of British India being in some particulars different from those of England in matters of common occurrence in the course of such trade; and whereas, with a view to remedy such inconvenience, it is expedient to amend the laws of British India as hereinafter is mentioned; It is enacted as follows :—

Interpretation Clause.

1. In this Act, unless there be something repugnant in the subject or context—

"British India."

"British India" shall mean the territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106 (An Act for the better Government of India).

"High Court."

"High Court" shall mean the High Court of Judicature at Calcutta, Madras or Bombay, as the case may be :

"Local Government."

And in every part of British India in which this Act shall operate, "Local Government" shall mean the person authorized by law to administer executive government in such part.

From and after 1st May 1866, in all suits upon Bills of Exchange, &c., if plaintiff desires to proceed under this Act, the summons shall be in the form given in the Schedule.

2. From and after the first day of May 1866, all suits upon Bills of Exchange, Hundís or Promissory Notes commenced in any High Court within six calendar months after the same shall have become due and payable, may, in case the plaintiff shall desire to proceed under this Act, be commenced as hereinafter is mentioned, (that is to say) the plaint shall be in the form prescribed by the Code of Civil Procedure; but the summons shall be in the form contained in the Schedule to this Act; and in any case in which the plaint and summons shall be in such forms respectively, it shall not be lawful for the defendant to appear to or defend the suit unless he shall obtain leave from a Judge as hereinafter mentioned so to appear and defend; and in default of his obtaining such leave or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by a rule of the High Court, unless the plaintiff claim more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be enforced forthwith.

Defendant showing a defence upon the merits to have leave to appear.

3. The High Court shall, upon application within the period of seven days from the service of such summons, give leave to appear and to defend the suit, upon the defendant paying into Court the sum mentioned in the summons or upon affidavits satisfactory to the Court, which disclose a defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise, as to the Court may seem fit.

Court may, under special circumstances, set aside decree.

4. After decree, the High Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to appear to the summons and to defend the suit, if it shall seem reasonable to the Court so to do and on such terms as to the Court may seem just.

Court may order Bill to be deposited with Officer of Court in certain cases.

5. In any proceedings under this Act, it shall be competent to the High Court to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all proceedings shall be stayed until the plaintiff shall have given security for the costs thereof.

Remedy for recovery of cost of noting non-acceptance of dishonoured Bill.

6. The holder of every dishonoured Bill of Exchange or Promissory Note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this Act for the recovery of the amount of such Bill or Note.

Civil Procedure Code and rules made thereunder to apply to proceedings under this Act.

7. The provisions of the Code of Civil Procedure, and all rules made under or by virtue of the said Code shall, so far as the same are or may be made applicable, extend and apply to all proceedings to be had or taken under this Act.

Local Government may extend Act.

8. It shall be lawful for the Local Government to direct that all or any part of the provisions in Sections 2 to 7, both inclusive, of this Act shall, *mutatis mutandis*, apply to all or any Courts or Court in the territories under such Government, other than a High Court, and within one month after such order shall have been made and published in the Official Gazette, such provisions shall extend and apply in manner directed by such order, and any such order may be in like manner from time to time altered and annulled. In and by any such order the Local Government may direct by whom any powers or duties incident to the provisions applied under this Act, shall and may be exercised with respect to matters in such other Courts or Court, and may make any orders or regulations which may be deemed requisite for

carrying into operation in such Courts or Court the provisions so applied.

Consideration for guarantee need not appear by writing.

9. No special promise to be made by any person after the passing of this Act to answer for the debt, default or miscarriage of another person, being in writing, and signed by the party to be charged therewith or some other person by him thereunto lawfully authorized, shall be deemed invalid to support a suit to charge the person by whom such promise shall have been made, by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

Guarantee to or for a Firm to cease upon a change in the Firm except in special cases.

10. No promise to answer for the debt, default or miscarriage of another made to a Firm consisting of two or more persons, or to a single person trading under the name of a Firm, and no promise to answer for the debt, default or miscarriage of a Firm, consisting of two or more persons, or of a single person trading under the name of a Firm, shall be binding on the person making such promise in respect of any thing done or omitted to be done after a change shall have taken place in any one or more of the persons constituting the Firm, or in the person trading under the name of a Firm, unless the intention of the parties, that such promise shall continue to be binding notwithstanding such change, shall appear either by express stipulation or by necessary implication from the nature of the Firm or otherwise.

Acceptance of a Bill, Inland or Foreign, to be in writing on it, and signed.

11. No acceptance of any Bill of Exchange, whether Inland or Foreign, made after the first day of May 1866, shall be sufficient to bind or charge any person, unless the same be in writing on such Bill, or, if there be more than one part of such Bill, on one of the said parts, and signed by the acceptor or some person duly authorized by him.

What are to be deemed "Inland Bills."

12. Every Bill of Exchange or Promissory Note drawn or made in any part of British India, and made payable in or drawn upon any person resident in any part of British India, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the stamp duty, if any, which, but for this enactment, would be payable in respect of any such Bill or Note.

Protest by Notary Public to be *primâ facie* evidence of dishonour.

13. Protest of a Bill of Exchange, whether Inland or Foreign, when purporting to be made by a Notary Public, shall be *primâ facie* evidence that the Bill has been dishonoured.

Suits on lost negotiable instruments.

14. In case of any suit founded upon a Bill of Exchange or other negotiable instrument, if it shall be proved to the satisfaction of the Court that the instrument is lost, and if an indemnity be given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, it shall be lawful for the Court to make such decree as it would have made if the plaintiff had produced the instrument in Court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

Rights under marine and fire policies to vest in assignees.

15. Every assignee, by endorsement or otherwise, of a policy of marine insurance or of a policy of insurance against fire, in whom the property in the subject insured shall be absolutely vested at the date of the assignment, shall have transferred to and vested in him all rights of suit as if the contract contained in the policy had been made with himself.

SCHEDULE.

No. of Suit.

In the High Court of

Plaintiff
Defendant

To [*here enter the defendant's name, description and address.*]

Whereas [*here enter the plaintiff's name description and address*] has instituted a suit in this Court against you under Act No. V of 1866 (*to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial law of British India*) for Rs. principal and interest [*or* Rs. balance of principal and interest] due to him as the Payee [*or* Indorsee] of a Bill of Exchange [*or* Hundí *or* Promissory Note] of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within seven days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such seven days to obtain a decree for any sum not exceeding the sum of Rs. [*here state the sum claimed*] and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[*Here copy the Bill of Exchange, Hundí or Promissory Note, and all endorsements upon it.*]

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 2nd March 1866, and is hereby promulgated for general information :—

ACT No. VI OF 1866.

An Act to continue Act No. XXXI of 1860 (*relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases*) *and for other purposes.*

Preamble.

Whereas Act No. XXXI of 1860 as continued by Act No. VI of 1865 will expire on the first day of October 1866; and whereas it is expedient to continue the said Act No. XXXI of 1860 with such modifications as are hereinafter mentioned; and whereas it is desirable to render the license mentioned in the 26th and other Sections of the same Act grantable upon conditions, and to enable the local Governments to exempt classes of persons, Districts and parts of Districts from the operation of Sections 25 and 26 of the same Act; It is enacted as follows :—

Repeal of Act No. VI of 1865 and of part of Section 55 of Act No. XXXI of 1860.

Rest of Act No. XXXI of 1860 continued.

1. Act No. VI of 1865 and the second Clause of Section 55 of Act No. XXXI of 1860 are hereby repealed; but the rest of the Act last hereinbefore mentioned shall, subject to the modifications hereinafter mentioned, continue in force from the passing of this Act until the Governor-General of India in Council shall by an order published in the Gazette of India declare otherwise.

Licenses to bear arms may be granted on conditions.

2. The license mentioned in Sections 26, 28, 29 and 30 of the said Act No. XXXI of 1860 may be granted by the Magistrate or other person specially authorized to grant the same, subject to such condition or conditions, if any, as such Magistrate or other person shall think fit; and on breach of any such condition, or failure to comply therewith, such license shall thereupon be null and void.

Amendment of Section 27 of Act No. XXXI of 1860.

3. For the last Clause of Section 27 of the same Act, the following words shall be substituted (that is to say), "Such other persons, classes of persons, Districts or parts of Districts as the Local Government may by notification in the Official Gazette from time to time exempt from such provisions."

Short Title.

4. This Act may be cited as "The Arms' Act Continuance Act, 1866."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India.
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 2nd March 1866, and is hereby promulgated for general information :—

ACT No. VII OF 1866.

An Act to extend to the Court of Judicature of Prince of Wales' Island, Singapore and Malacca Act No. XXIII of 1840 (*for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by Authorities in the Mofussil.*)

Preamble.

Whereas it is expedient to extend to the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, the provisions of Act No. XXIII of 1840 (for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by Authorities in the Mofussil); It is enacted as follows :—

Extension of Act.

Proviso.

1. The said Act No. XXIII of 1840 shall be read as if the words "Supreme Courts of Calcutta, Madras and Bombay" included the Court of Judicature of Prince of Wales' Island, Singapore and Malacca: Provided that no writ, warrant or other process shall be endorsed under the said Act by such Court so as to compel the attendance beyond the limits of its jurisdiction of any person living within such limits, unless special grounds be proved to the satisfaction of the Judge of such Court to whom such endorsement shall be applied for in support of the application, which grounds shall be recorded in the endorsement of the writ, warrant or other process.

Service of process issued by one Court to commence a suit or action within the local jurisdiction of another Court.

2. Any summons or other process issued to commence a suit by any High Court, may be served within the local jurisdiction of the said Court of Judicature of Prince of Wales' Island, Singapore and Malacca if endorsed for service by a Judge of such Court of Judicature as hereinafter provided, and any summons or other process issued to commence a suit or action by the same Court of Judicature may be served within the local jurisdiction of any High Court, if endorsed for service by a Judge of such High Court as hereinafter provided. The summons or other process intended for service shall be accompanied by a certificate annexed thereto signed by a Judge of the Court from which the same is issued, stating some special cause why such summons or other process should be served within the jurisdiction of the High Court or Court of Judicature, as the case may be, and application shall be made to a Judge of such Court, on production of such summons or other process, and of such certificate, prior to such service thereof. On such application being made, it shall be in the discretion of such Judge to require proof by affidavit or otherwise that it is proper to allow such service, and on hearing such proof such Judge shall either endorse the summons or other process for service, or shall endorse thereon the reason for not ordering the service thereof. If

such summons or other process be not endorsed for service as aforesaid it shall not be served under this Act. When endorsed for service it shall be served in the same manner as if it had originally issued out of the Court in which such endorsement is made.

WHITLEY STOKES,
Asst. Secy. to Govt. of India,
Home Department (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 2nd March 1866, and is hereby promulgated for general information :—

ACT NO. VIII OF 1866.

An Act further to amend the Schedule annexed to the Code of Criminal Procedure.

Preamble.

Whereas it is expedient further to amend the Schedule annexed to the Code of Criminal Procedure; It is enacted as follows :—

Amendment of Schedule as regards Sections 172, 174, 271, 277, 278, 279, 285, 286, 289, 290, 325, 380, 448 and 451 of the Indian Penal Code.

1. In lieu of the words in the parts of column 7 of the said Schedule respectively referring to Sections 172, 174, 271, 277, 278, 279, 285, 286, 289, 290, 325, 380, 448 and 451 of the Indian Penal Code, there shall be read the words "Any Magistrate."

Amendment of Schedule as regards Sections 392 and 393 of the Indian Penal Code.

2. In lieu of the words in the parts of the said column respectively referring to Sections 392 and 393 of the Indian Penal Code, there shall be read the words "Court of Session or Magistrate of the District."

Nothing in this Act to alter effect of the rest of the Schedule.

3. Nothing herein contained shall be taken to alter the effect which any other part of the said Schedule had immediately before the passing of this Act.

This Act to be read with the Code of Criminal Procedure.

4. This Act shall be read with and taken as part of the Code of Criminal Procedure.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 16th February 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight :—

No. 4 OF 1866.

A Bill to repeal Act No. IV of 1855 *(for incorporating for a further period, and for giving further powers to the Assam Company).*

Preamble.

Whereas the Assam Tea Company is to be incorporated by a local Act of Parliament made and passed in the 28th and 29th years of the reign of Her Majesty, No. CXXIX; but, under or by virtue of the second Section of the said Act of Parliament, its operation is deferred until the expiration of two months next after the day of the passing by the Governor-General of India in Council of an Act to repeal the Act of the Legislative Council of India, No. IV of 1855; and whereas it is expedient to repeal the same Act in order that the said Act of Parliament may be brought into operation; It is hereby enacted as follows :—

Repeal of Act IV of 1855.

1. Act No. IV of 1855 is hereby repealed, except as to the repeal of Act No. XIV of 1854 effected thereby, and except as to contracts made, acts done, and liabilities incurred before the passing of this Act.

For two months the powers, rights and liabilities of Assam Company not to be affected.

2. For the period of two months next after the day of the passing of this Act, the incorporation, powers, rights and liabilities of the said Company shall continue as if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

The Assam Tea Company was originally incorporated by an Act of the Indian Legislature, No. IV of 1855. But in the last Session of the English Parliament the Company obtained a private Act of incorporation, 28th and 29th Vic., No. CXXIX, the second Section of which is as follows :—

"This Act shall commence and have effect on and after the expiration of two months next after the day of the passing by the Legislative Council of the Governor-General of India of an Act repealing the Society's Act."

It is desirable to bring the English Act into operation. The present Bill accordingly proposes to repeal the Indian Act. At the same time it bridges over the interval of two months by declaring that the incorporation, powers, rights and liabilities of the Company shall continue for that period.

H. S. MAINE.

The 6th February 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd March 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight:—

No. 5 of 1866.

A Bill to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province.

Preamble.

Whereas it is expedient to exempt certain suits in Oude relating to land from the operation of the rules of limitation in force in that Province; It is enacted as follows:—

Bar of certain suits relating to tenures.

1. No suit relating to any tenure and which shall be cognizable in the Civil Courts, or which, under the provisions of Act No. XVI of 1865 *(to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits)* shall be solely cognizable in the Courts of Revenue, shall be barred under the said rules of limitation, if the cause of suit shall have arisen on or after the 13th day of February 1844. And any suit or appeal relating to any tenure and cognizable as aforesaid, which may have been rejected or dismissed upon the ground that the suit was barred under the said rules, may be revived and heard on the merits, if the cause of suit shall have arisen on or after such day.

Bar of redemption-suits when mortgage executed before 13th February 1844.

2. When a mortgagee shall, under or by virtue of a mortgage executed before the said day, have obtained possession of any land comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring a suit to redeem the mortgage of such land, any subsequent acknowledgment of the title or right to redeem of the mortgagor, or of any person claiming through him, notwithstanding. Provided that any suit for the redemption of land, which may have been rejected or dismissed upon the ground that the suit was barred under some rule of limitation in force, or supposed to be in force, in the said Province, may be revived and heard as aforesaid, if the mortgage shall have been executed on or after the said day.

Certain redemption-suits may be revived when the mortgage was executed on or after 13th February 1844.

This Act not to bar redemption-suits where term for redemption had not expired before 13th February 1856.

3. Nothing herein contained shall be taken to bar a suit for redemption in any case where, by the instrument of mortgage, a term was fixed within which the property comprised therein might be redeemed, and such term had not expired before the 13th day of February 1856.

This Act to be read with Act No. XVI of 1865.

4. This Act shall be read with and taken as part of the said Act No. XVI of 1865.

Statement of Objects and Reasons.

This Bill has two objects in view:—*First.*—To extend the period of limitation in suits for land in the Revenue Courts; and *second.*—To restrict the period of limitation within which suits can be brought for redemption of mortgages.

The Law of Limitation in Oudh is, for the Revenue Courts, the old Regulation law in force prior to the enactment of Act XIV of 1859.

By this law, in ordinary claims for land, a limitation of twelve years was allowed. Under certain circumstances of force or fraud a suit might be brought within sixty years: and in case of mortgage, there was no limit to suits against the mortgagee (Regulation II. 1805).

But the circumstances of Oudh are exceptional. Possession has been interfered with both by summary settlements under our own rule, and by violence in 1857-58; and the trial of claims has generally been postponed till the regular settlement, which has not yet reached some parts of the Province.

The test for trial of titles to land (apart from titles guaranteed by *sunnud*) has, under these circumstances, been held to be the status existing previous to annexation; and, in order to the determination of that status, it is right that the limitation should be extended for a reasonable period. Following the analogy of the existing law, twelve years has been regarded as fair for the purpose.

In respect of claims against the great landlords holding under *sunnud* from Government, this period was fixed last year by Act XVI of 1865, which provided that no suit relating to a sub-tenure should be barred, if the cause of action arose on or after the 13th February, 1844, that is twelve years preceding annexation of the province.

The object of Sections 1 and 2 is simply to make the same rule applicable to suits for land not relating to sub-tenures. No suit for land will be barred simply because the cause of action arose twelve years from date of suit, if such cause of action were subsequent to 13th February, 1844. Thus the effect of the Bill, in respect of ordinary suits, is to extend the present law of limitation.

But in respect of claims for redemption of mortgage, the action of the Bill will be to restrict the limitation.

As the law now stands, suits might be brought for redemption without any limitation whatever. But, looking to the disorder and anarchy which prevailed in Oudh, it is the opinion of the Chief Commissioner that such a rule is altogether inapplicable. And it has been accordingly limited by Circular Orders to twelve years, although these orders are now found to want the force of law.

It is therefore proposed to apply the same rule to suits for redemption of mortgage as is applicable to ordinary claims; the effect being that suits for redemption will not be permitted if the mortgage were executed prior to the 13th February, 1844, any subsequent acknowledgment of the right of redemption notwithstanding. Where a term had been fixed in the mortgage-bond for redemption, and such term had not expired before the annexation of the Province, a suit will lie for redemption, whateve the date on which the mortgage was executed.

The great majority of the talookdars have waived any objections which they might have had under the terms of their *sunnuds* to this procedure.

W. MUIR.

The 1st February, 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

HOME DEPARTMENT.

No. 1938.

Fort William, the 28th February 1866.

NOTIFICATIONS.

Mr. F. St. Claire Williams, Extra Assistant Commissioner, Nimar District, in the Central Provinces, is invested with the powers of a Magistrate, as described in Chapter 2, Section 22 of Act XXV of 1861.

No. 1998.

Sir George Couper, *Bart.*, C. B., Judicial Commissioner of Oudh, is allowed fourteen days' leave from the 1st March, to proceed to Calcutta preparatory to applying for sick leave to Europe.

Mr. St. George Tucker, Commissioner of the Khyrabad Division, will officiate as Judicial Commissioner during Sir George Couper's absence, or until further orders.

No. 2001.

Captain H. C. B. Tanner, R. A., Assistant Revenue Surveyor, 4th Division, Central Provinces, has obtained leave of absence from the 1st April 1866, to proceed to Bombay, preparatory to applying for furlough to Europe.

No. 2005.

The services of the Reverend H. F. Corbyn, Junior Chaplain, Chaplain of Port Blair, are placed at the disposal of the Government of Bengal.

No. 2014.

Abdul Subhan Khan, Naib Tehseeldar of Arvee, Zillah Wurdah, in the Central Provinces, is invested with the powers described in Section 6 of Act XIV of 1865, to be exercised within the limits of the Arvee Tehseel.

No. 2042.

The 1st March 1866.

Erratum.—In Notification No. 1547, dated the 15th ultimo, for Dr. G. W. Jameson, Civil Surgeon of Hurdui, has obtained "three" months' privilege leave, read "two" months' privilege leave, &c.

No. 2045.

Mr. Auckland Colvin, of the Civil Service, is permitted to proceed to Europe on furlough, for a period of one year, from the date of embarkation.

No. 2048.

Mr. A. R. Thompson, of the Civil Service, has reported his departure from India per Steamer "Simla," which Vessel was left at Sea by the Pilot on the 24th February.

No. 2049.

Mr. A. A. Roberts, C. B., and Mr. C. Boulnois, assumed charge of the Office of Judge of the Chief Court of the Punjab, at Lahore, on the 19th February.

No. 2050.

Lalla Doorga Purshâd, Head Master of the Lucknow Normal School, is appointed a Second Class Inspector of Schools in Oudh, with effect from the 1st February, vice Baboo Ram Chunder Sein, resigned.

No. 2052.

The 1st March 1866.

Under Section 6 of Act V of 1861, the Governor General in Council is pleased to invest the under-mentioned Officers, attached to the Police of British Burmah, with Magisterial Powers:—

Name.	Regiment or Corps.	Designation.	District.
Captain J. Duval	50th M. N. I. ...	Supdt., 1st Grade ...	Martaban District.
Captain T. C. Hamilton ...	Bengal Staff Corps	Ditto ditto ...	Amherst ditto.
Mr. P. B. Dovle	Uncovenanted ...	Ditto 2nd Grade ...	Rangoon ditto.
Lieutenant C. A. Munro ...	Bengal Staff Corps	Ditto ditto ...	Akyab ditto.
Captain J. C. Middleton ..	Madras Staff Corps	Ditto 3rd Grade ...	Prome ditto.
Major C. G. H. Coote ...	Ditto ...	Ditto 4th Grade ...	Tavoy ditto.
Lieutenant A. Cook	Ditto ...	Ditto 5th Grade ...	Bassein ditto.
Lieutenant R. Houghton ...	Ditto ...	Ditto ditto ...	Toungoo ditto.
Mr. J. H. Lawrence	Uncovenanted ...	Ditto ditto ...	Mergui ditto.
Lieutenant R. H. Litchfield ...	3rd M. N. I. ...	Ditto ditto ...	Myanoung ditto.
Mr. G. D. Anderson	Uncovenanted ...	Asst. Supdt. in charge	Ramree ditto.
Lieutenant J. W. W. Costley ...	H. M.'s 23rd Regt. R. W. Fusiliers ...	Ditto ditto ...	Sandoway ditto.

No. 2062.

The 2nd March 1866.

The under-mentioned Specifications of Inventions have been filed under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-West Provinces. A copy of every Specification is open at all reasonable hours at the Office of the Secretary to the Government of India in the Home Department, to public inspection, upon payment of a fee of one Rupee; a certified copy of any Specification will be given to any person requiring the same on payment of the expense of copying.

No. 261.—Mr. John Hawkins Simpson, of Kilmeena, in Ireland, for improvements in printing by Electricity for Telegraphic and other purposes.

No. 262.—Mr. Frederick Campbell, of No. 34, Duke Street, St James, in the County of Middlesex, England, Civil Engineer, for improvements in treating or curing the tea leaf, and in apparatus employed therein.

No. 277.—Mr. George Henry Faulkner, Civil Engineer, Cuttack, for a Hydrometric Irrigation sluice or apparatus for giving a constant quantity of water from supplying-channels with varying Heads.

No. 287.—Mr. Gabriel Dumler, of Namur, in the Kingdom of Belgium, Engineer, for certain improvements in the construction of the permanent way and in the rails of Railways.

No. 288.—Mr. Denison Chauncey Pierce, or New York, in the United States of America, fof improvements in Railway rails.

No. 2063.

The Governor General in Council is pleased to attach Mr. J. F. Stevens, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

No. 2066.

Mr. J. F. Stevens, a Junior Civil Servant, having, within the prescribed interval after arrival in India, passed examinations in two Languages, has been presented with the authorized donation of Rs. 800.

No. 2073.

The Governor General in Council is pleased to invest the under-mentioned Officers in the Central Provinces with the powers described in Act IX of 1860:—

Lieutenant Colonel W. H. Crichton, C. B., Deputy Commissioner of Hoshungabad.

Captain C. H. Grace, Officiating Deputy Commissioner of Nimar.

Mr. W. B. Jones, Deputy Commissioner of Wurdah.

Mr. M. Low, Deputy Commissioner of Nagpore.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

JUDICIAL.

No. 42.

The 27th February 1866.

In consequence of the administration of the Chief of Jhaboua having been favorably reported, His Excellency the Viceroy and Governor General in Council has been pleased to restrict the operation of Notification No. 179, dated 15th May 1865, depriving that Chief of the privilege of a salute, to the term of one year from the date of that Notification.

No. 50.

The 1st March 1866.

His Excellency the Governor General in Council is pleased to declare that the provisions of Part V, Act V of 1865 shall be in force in the Hyderabad Assigned Districts.

Under Section 47, the following Officers are licensed to grant Certificates of Marriage between Native Christians within those Districts:—

The Cantonment Magistrate, Secunderabad.
The Brigade Major, Aurungabad.
The Deputy Commissioners at the Sudder Stations of Akola, Oomraotee, Maekur, and Woon.

No. 70.

REVENUE.

The 27th February 1866.

The following promotions and appointments in the Settlement Department in Oudh are sanctioned by the Governor General in Council:—

Syud Ali Hoosein, Extra Assistant Commissioner, 2nd Grade, to be Extra Assistant Commissioner, 1st Grade.

Ikramoollah, Extra Assistant Commissioner, 3rd Grade, to be Extra Assistant Commissioner, 2nd Grade.

Mr. K. M. Nicholson, Extra Assistant Commissioner, 3rd Grade, to be Extra Assistant Commissioner, 2nd Grade.

To be Extra Assistant Commissioners, 3rd Grade.

Mahomed Uskurree, Officiating Extra Assistant Commissioner.

Moonshee Hursook Rai, Officiating Extra Assistant Commissioner.

Moonshee Brij Lall, Officiating Extra Assistant Commissioner.

Moonshee Sheopershaud, Officiating Extra Assistant Commissioner.

Mr. P. Carnegy.

Syud Sufdur Hossein, Serishtadar at Mirzapore.

To officiate as Extra Assistant Commissioners, 3rd Grade.

Moonshee Jankee Pershaud, Tehsildar and Sudder Moonserrim in the Pertabgurh District.

Gholam Hyder, Tehsildar and Sudder Moonserrim in the Roy Bareilly District.

Nyaz Ahmed, Tehsildar and Sudder Moonserrim in the Hurdui District.

Pundit Dya Shunkur, Tehsildar and Sudder Moonserrim in the Fyzabad District.

MILITARY.

No. 29.

The 28th February 1866.

Havildar Lalleea, of the Erinpoora Irregular Force, is promoted to the rank of Jemadar from the 17th January 1866, vice Jemadar Himta, deceased.

POLITICAL.

No. 205.

His Excellency the Viceroy and Governor General of India in Council is pleased to recognize the appointment of Mr. Paul Auschitzky as Belgian Consul at Akyab.

GENERAL.

No. 316.

Mr. C. J. Wingfield, C. B., has received leave of absence, for the usual period, from the 15th March, to proceed to Bombay, preparatory to resigning the Civil Service.

His Excellency the Viceroy and Governor General in Council has been pleased to appoint Mr. John Strachey to be Chief Commissioner of Oudh, with effect from the date on which Mr. Wingfield may vacate the appointment.

Mr. Strachey will officiate as Chief Commissioner from the 15th March until the date on which the appointment may be vacated.

No. 326.

The 1st March 1866.

Major C. Elliot, C. B., Superintendent of the Nuggur Division, Mysore, has obtained privilege leave of absence for three months from the 1st instant.

Lieutenant Colonel T. Clerk, 1st Class Deputy Superintendent, will act as Superintendent of the Nuggur Division during Major Elliot's absence.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 1009.

Fort William, the 26th February 1866.

NOTIFICATIONS.

Mr. G. W. Bagley, an Assistant of the 5th Class, in the Office of the Accountant General, North Western Provinces, is allowed privilege leave of absence, for one month from the date on which he may avail himself of it.

No. 1011.

Mr. W. Halford, Manager Central Bank of Western India, is appointed a Member of the Currency Commission, in the room of the Hon'ble J. N. Bullen, resigned.

No. 1064.

The 27th February 1866.

Mr. Tudor Trevor, appointed by the Secretary of State to Class V of the General Department of Account, arrived in Calcutta on the 18th instant, and is posted to the Office of the Accountant General, Bengal.

No. 1073.

Mr. A. R. Gordon assumed charge of the Office of Assistant to the Commissioner of Paper Currency, Bombay, on the 1st February 1866.

No. 1082.

The 28th February 1866.

Notification.—In continuation of the Notification No. 3355, dated the 8th December 1865, issued from this Department, the following Statement showing the financial position of the several Guaranteed Railway Companies quoad the Government, is published for general information :—

State of the Capital Accounts of the Indian Railway Companies on the 31st October 1865.

	Amounts authorized to be raised.			Amounts paid by the Railway Companies.					Amounts withdrawn by the Railway Companies.			Balance standing to the credit of the Railway Companies.	Amounts advanced to the Railway Companies in excess of the amounts to their credit.
	Capital.	Debenture Loans.	Total.	Capital subscribed in England.	Capital subscribed in India.	Total Capital.	Debenture. Loans.	Total.	In England.	In India.	Total.		
East Indian:	£	£	£	£	£	£	£	£	£	£	£	£	£
Main Line Capital	20,035,481	4,714,519	24,750,000	15,978,240	278,628	16,256,868	4,714,519	20,971,387	6,947,242	15,109,825	22,057,067	} 792,436	.....
Jubbulpore Capital	2,000,000	1,200,000	3,200,000	1,952,165	7,665	1,959,830	1,200,000	3,159,830	184,991	1,096,723	1,281,714		
Madras:													
Main Line Capital	3,493,150	1,506,850	5,000,000	3,489,028	.....	3,489,028	1,506,850	4,995,878	3,130,733	3,550,451	6,681,184	} 153,769	.....
Bellary Capital	3,000,000	.....	3,000,000	2,731,426	.....	2,731,426	.....	2,731,426	... .	892.351	892,351		
Great Indian Peninsula	11,000,000	3,000,000	14,000,000	10,060,399	418,906	10,479,305	2,762,000	13,241,305	4,567,989	8,486,903	13,054,892	186,413	... ..
Sind:													
Sind Railway Capital	1,668,200	331,800	2,000,000	1,645,770	21,695	1,667,465	331,800	1,999,265	826,720	1,146,480	1,973,200	26,065	... ..
Indus Flotilla Capital	541,100	82,900	624,000	250,005	... ...	250,005	82,900	332,905	290,337	99,058	389,395	.....	56,490
Punjab:													
Mooltan Capital	2,000,000	500,000	2,500,000	1,489,753	8,404	1,498,157	500,000	1,998,157	1,002,548	1,263,274	2,265,822	....	267,665
Delhi Capital	2,500,000	.....	2,500,000	1,042,187	5,412	1,047,599	... .	1,047,599	177,645	253,113	430,758	616,841	. ...
Bombay, Baroda, and Central India	4,732,900	1,267,100	6,000,000	4,333,343	21,662	4,355,005	1,246,395	5,601,400	2,261,254	3,461,607	5,722,861	. ...	121,461
Eastern Bengal	1,500,000	600,000	2,100,000	1,085,245	9,504	1,094,749	600,000	1,694,749	800,417	848,388	1,648,805	45,944	. ....
Calcutta and South-Eastern	410,000	190,000	600,000	291,282	19,623	310,905	190,000	500,905	196,135	283,942	480,077	20,828	. ...
Great Southern of India	868,000	297,600	1,165,600	709,779	1,221	711,000	189,700	900,700	469,642	471,449	941,091	.....	40,391
Total ...	53,748,831	13,690,769	67,439,600	45,058,622	792,720	45,851,342	13,324,164	59,175,506	20,855,653	36,963,564	57,819,217	1,842,296	486,007

Net Balance standing to the credit of the Railway Companies ... £1,356,289

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 27th February 1866.

No. 186 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments :—

PUNJAB FRONTIER FORCE.

1st Infantry.

Lieutenant F. J. Keen, 2nd in Command and Wing Officer, to officiate as Commandant during the absence on sick leave to Europe of Lieutenant Colonel Keys, C. B., or until further orders.

Lieutenant H. W. Pitcher, V. C., Wing Officer (on leave), to officiate as 2nd in Command and Wing Officer, vice Lieutenant Keen.

No. 187 *of* 1866.—The following Notification from the Public Works Department is published for general information :—

No. 46 E.

The 16th February 1866.

SENIOR DEPARTMENT OF THE THOMASON CIVIL ENGINEERING COLLEGE.

With the view of preventing any misunderstanding of the prospects of Officers entering this Department of the College, the following Notification is published for general information :—

2. The Senior Department is intended for the instruction of Commissioned Officers of Her Majesty's Army, under the rank of Field Officer, who may obtain the permission of His Excellency the Commander-in-Chief to reside at Roorkee for the purpose of studying at the College.

3. The ordinary course of study is for two years, and there are two standards of examination at the close of the course, (1), the ordinary test for admission to the Public Works Department, and (2), the higher or College standard. All Officers who may pass the higher standard will receive a prize of Rs. 1,000.

4. No Staff appointments in any Department can be guaranteed to those who pass either standard. But, as a rule, those who qualify will be appointed to the Public Works Department as Assistant Engineers, 2nd Grade, if they desire it, and if there are vacancies in the Department, and provided there are no objections to their taking a Staff appointment. It must be distinctly understood, however, that all Officers of the British Army appointed to the Public Works Department from the College must enter the Staff Corps.

5. A Special surveying Class has also been established for a number of Officers at present limited to ten. The course of study will include Military Surveying and Reconnoisance; Plan and Topographical Drawing at the College; and the laying out and construction of Field Works under the orders of the Commandant of Sappers and Miners. The course will ordinarily occupy seven months. A certificate will be granted to those who complete their course satisfactorily, a copy of which will be forwarded to Army Head Quarters.

No. 188 *of* 1866.—The following promotions are made in the under-mentioned Corps of the Native Army :—

Corps.	Rank and Names.	To what rank promoted.	From what date.	In whose room.
31st Regiment Bengal Infantry.	Jemadar Heerah Singh ...	Subadar ...	29th Sept. 1865 ...	Jey Singh, deceased.
	Havildar Dussoundah Singh	Jemadar ...	21st Sept. 1865 ...	Beer Singh, deceased.
	Havildar Golaub Singh ...	Jemadar ...	29th Sept. 1865 ...	Heerah Singh, promoted.

No. 189 *of* 1866.—Jemadar Dabee Sing, of the 14th Bengal Cavalry, Lancers, is permitted to resign the service from the date of the publication of this order at the Head Quarters of the Corps.

No. 190 *of* 1866.—Lieutenant C. G. Cautley, General List, Cavalry, Officiating Sub-Assistant Commissary General, 2nd Class, is permitted, at his own request, to resign his appointment in the Army Commissariat Department, and his services are accordingly replaced at the disposal of His Excellency the Commander-in-Chief.

No. 191 *of* 1866.—Captain William Wroughton, of the late 54th Native Infantry, is allowed an extension of leave from the 24th January to the 17th February 1866, the date on which he returned to Bengal from sick leave to Europe.

No. 192 *of* 1866.—The services of Surgeon J. B. Allen, in medical charge of the 17th (the Loyal Poorbeah) Regiment Native Infantry, are placed temporarily at the disposal of the Government of Bengal.

No. 193 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment from the date on which Brigadier General Wilde, C. B., may avail himself of the furlough granted him in Government General Order No. 115, dated 2nd instant :—

Punjab Frontier Force.

Colonel G. W. G. Green, C. B., Commandant of the 2nd Punjab Infantry, to officiate as Commandant of the Force, with the temporary rank of Brigadier General, during the absence on furlough of Brigadier General A. T. Wilde, C. B., or until further orders.

No. 194 *of* 1866.—Surgeon Major J. P. Walker, M. D., of the Medical Department, is permitted, at his own request, to resign his appointment of Secretary to the Sanitary Commission for Bengal, with effect from the 12th March 1866, and his

services are accordingly placed at the disposal of His Excellency the Commander-in-Chief from that date.

No. 195 *of* 1866.—The services of Mr. J. Strachey, C. S., President of the Sanitary Commission for Bengal, are placed at the disposal of the Foreign Department.

The 28th February 1866.

No. 196 *of* 1866.—With reference to Government General Order No. 195 of the 27th instant, placing the services of Mr. J. Strachey, Civil Service, President of the Sanitary Commission, at the disposal of the Foreign Department for other employment, the Governor General in Council is pleased to notify, in anticipation of the sanction of the Right Hon'ble the Secretary of State for India, that it has been determined to modify the constitution of the Sanitary Commission, as formed by Government General Order No. 87 of the 2nd February 1864.

2. The duties hitherto performed by the Sanitary Commission will, so far as the Military Department is concerned, be hereafter carried on by a Sanitary Commissioner, aided by a Medical Officer as Secretary.

3. There will, in future, be no permanent Members of the Commission, but whenever it may seem desirable to assemble Committees for the consideration of any particular subject, then Officers, Civil, Military, or Medical, best acquainted with that subject, will be associated with the Sanitary Commissioner in any part of the country where it may be desirable to assemble the Committee.

4. With regard to those duties of the Sanitary Commission which have been performed in connection with the Civil Departments of the Government, the measures which may be deemed necessary for exercising more complete supervision on the sanitary requirements of the Civil population, and for ensuring constant attention to the Public Health, will be considered in the Home Department.

No. 197 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments :—

Major G. B. Malleson, Bengal Staff Corps, to be Sanitary Commissioner for Bengal.

Surgeon J. M. Cuningham, M. D., Bengal Medical Department, to be Secretary.

No. 198 *of* 1866.—Surgeon Alfred James Dale, M. B., of the Medical Department, in medical charge of the 6th Regiment Native Infantry, was allowed leave of absence to proceed to sea on medical certificate from the 5th to the 20th December 1865, under the new Regulations.

No. 199 *of* 1866.—Sub-Conductor Charles Rossiter, of the Ordnance Commissariat Department, having been declared by a Medical Committee to be unfit for further active service, is transferred to the Pension Establishment, with permission to reside and draw his stipend in India.

The 1st March 1866.

No. 200 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following temporary promotions and appointment :—

Quarter Master General's Department.

Major C. C. Johnson, Assistant Quarter Master General, to officiate as Deputy Quarter Master General, during the absence on sick leave to Europe of Major P. S. Lumsden, or until further orders.

Captain F. Hall, Deputy Assistant Quarter Master General, to officiate as Assistant Quarter Master General, vice Major Johnson.

Captain C. J. East, of Her Majesty's 82nd Foot, to officiate as Deputy Assistant Quarter Master General, vice Captain Hall.

No. 201 *of* 1866.—Surgeon Major W. W. Rawes, in Medical charge of the 4th Madras Light Cavalry, is allowed leave of absence for one month, from the 1st February 1866, to visit Bombay, preparatory to applying for leave to Europe on medical certificate under the new Regulations.

No. 202 *of* 1866.—The admission to the Bengal Staff Corps of Lieutenant M. C. Perreau, of the late 47th Native Infantry, Assistant Examiner of Commissariat and Stud Accounts, notified in Government General Order No. 26 of the 7th January 1865, is to be held to have effect from the 5th June 1861, instead of the 4th March 1862, as previously announced.

No. 203 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Captain W. Wroughton, of the late 54th Regiment Native Infantry. Captain W. D. Hogg, of the Bengal Staff Corps. Lieutenant A. Murray, of the late 60th Regiment Native Infantry. Lieutenant C. S. Noble, of the late 72nd Regiment Native Infantry, Assistant District Superintendent of Police, Oudh. Lieutenant A. W. Parker, of the General List, Infantry. Lieutenant B. Cracroft, of the late 50th Regiment Native Infantry, Adjutant, 3rd Bengal Cavalry.	17th Feb. 1866.
Lieutenant E. A. Vine, of the General List, Infantry.	18th Feb. 1866.

The 2nd March 1866.

No. 204 *of* 1866.—Jemadar Hurdial, of the 10th Bengal Cavalry, (Lancers), is permitted to resign the service from the date of publication of this Order at the Head Quarters of the Corps.

No. 205 *of* 1866.—The under-mentioned Officer having completed 26 years' service, eight years of which were on permanent Staff employ, to be Lieutenant Colonel from the date specified under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Major (Brevet Colonel) Reynell George Taylor, C. B.	26th February 1866.

No. 206 *of* 1866.—The under-mentioned Officer having completed 20 years' service, six years of which were on permanent Staff employ, to be Major from the date specified under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain Herbert Johnston Hawes ...	24th Feb. 1866.

No. 207 *of* 1866.—The under-mentioned Officer is promoted to the rank of Major by Brevet from the date specified, under the operation of Government General Order No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval :—

Captain Stephen Douglas, Unattached ...	10th Feb. 1866.

No. 208 *of* 1866.—The under-mentioned Officers have reported their departure on the dates specified opposite their respective names :—

Major William Tod Brown, C. B., Royal Artillery, Assistant Engineer, Upper Sirhind Division, Department of Public Works, on leave for two years, Government General Order No. 146 of the 15th February 1866.	"Simla," 24th Feb. 1866.
Lieutenant Colonel Henry Lewis, Royal Artillery, Deputy Inspector General of Ordnance and Magazines, on leave for 20 months, Government General Order No. 146 of the 15th February 1866.	

No. 209 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel William Russell Eliott, of the Bengal Staff Corps, Deputy Commissioner, Punjab.	For 20 months.
Major Charles Walter D'Oyly, of the Bengal Staff Corps, Deputy Superintendent of Studs, North-Western Provinces.	For 20 months.
Surgeon Alexander Christison, M. D., of the Medical Department, Principal Assistant to the Opium Agent, Benares.	For 20 months, under the new Regulations.
Assistant Surgeon Samuel Cornwallis Amesbury, in medical charge of the 34th (The Futtehgurh) Regiment Native Infantry.	For 20 months, under the new Regulations.

No. 210 *of* 1866.—Lieutenant Colonel Edwin Shuckburgh Denniss, of Infantry, is allowed leave of absence from the 15th February to the 29th March 1866, to visit Bombay, with permission to proceed thence to Europe on private affairs under the new Regulations for the residue of the furlough on the same account granted to him in Government General Order No. 105 of the 8th February 1864.

No. 211 *of* 1866.—The services of 2nd Captain J. L. Watts, of the Royal Engineers, being no longer required with the Dooar Field Force, to which he was temporarily attached, they are replaced at the disposal of the Public Works Department.

No. 212 *of* 1866.—Lieutenant (Brevet Captain) Gavin Dring Crawfurd, late 18th Regiment Native Infantry, is permitted to proceed to Australia on medical certificate, and to be absent from Bengal on that account for two years, under the old Regulations.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 56.

Fort William, the 24th February 1866.

NOTIFICATIONS.

A new Edition of the Code of Regulations for the Public Works Department, corrected up to 1st January 1866, with rules for the guidance of the Barrack Department, is now ready, and is to be obtained, on payment, at the *Military Orphan Press*, at the following prices for the various parts :—

	Rs.	A.	P.
Code with Appendices in one volume	4	0	0
Forms.			
PART I.—Accounts of Executive Engineers and their Subordinates ...	1	8	0
PART II.—Accounts of Controllers ...	1	8	0
PART III.—Miscellaneous Forms, including Tables of Pay, Forms of Returns, Estimates, Contract Bonds, &c., ...	1	8	0

PART IV of the Forms, containing those in use by the Barrack Department, will shortly be published at the same price.

No. 57.

T. Appanoo Pillay, Accountant, 4th Grade, Coorg, ceases to be borne on the Lists of the Public Works Department Establishment, from the date he may be relieved of his duties.

No. 58.

Mr. M. Dalton, Accountant, 4th Grade, Oudh, is promoted to the 3rd Grade, and transferred to Bengal.

No. 59.

The 26th February 1866.

Captain H. G. Puckle, Madras Staff Corps, Executive Engineer, 3rd Grade, Central Provinces, is granted one month's leave, from 11th February 1866, to proceed to Bombay to appear before the Medical Committee.

No. 60.

Captain C. J. Mead, R. E., Executive Engineer, 1st Grade, Assistant to the Chief Engineer and Assistant Secretary to the Chief Commissioner of the Central Provinces in the Public Works Department, is invested with the powers of a Superintendent of Works.

No. 61.

The unexpired portion of the extension of leave on medical certificate, granted to Mr. W. E. Parry, Assistant Engineer, 2nd Grade, North-Western Provinces, by the Secretary of State for India, viz., from 11th to 24th November 1865, is cancelled.

No. 62.

The 27th February 1866.

B. Narrainswamy Naidoo is appointed an Accountant of the 4th Grade, in the Public Works Department, and posted to Hyderabad, with effect from the 2nd November 1865.

No. 63.

The 2nd March 1866.

Sergeant W. Scott, Overseer, 1st Grade, Oudh, having obtained his discharge from the Army, ceased to be borne on the strength of the Public Works Department, from the 4th December 1865.

No. 64.

The following transfers are ordered by the Governor General in Council:—

Sergeant Keough, Supervisor, 2nd Grade, from Oudh to British Burmah.

Sergeant Fitzpatrick, Overseer, 1st Grade, from Oudh to the Rajpootana Circle.

C. H. DICKENS, *Lieut. Colonel*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE

Is hereby given, that sealed tenders will be received by the Secretary to Government in the Public Works Department at noon of Thursday the 15th March 1866, for the purchase of the right to a lease from Government of a portion, and an assignment of the lease of another portion of the premises now occupied by the Gun Carriage Manufactory at Colaba, and of all land and premises now in the possession of Government lying and situate between the premises now or lately belonging to the Colaba and the Apollo Land Companies on the North, and the Victoria Land Company on the South, and between the New Sea Wall now in course of construction on the East, and the Colaba main road on the West.

2. As to the piece of land colored yellow in the plan referred to in the fourth condition, and which contains about 10705½ square yards, the purchaser will be entitled, on payment of the balance of the purchase money, to an assignment of the lease under which the same is held, and which lease is dated the 23rd day of February 1818, and made between Juggonath Pandoosett of the one part, and the Hon'ble the United Company of Merchants of England trading to the East Indies of the other part, and is for the term of 99 years (renewable from time to time until the expiration of 1,000 years) from the 23rd of February 1818, subject to the yearly rent of Rupees 300.

3. The purchaser shall be entitled to no other evidence of title to the land comprised in the above lease, than the original lease itself, and he shall, at his own expense, execute a duplicate assignment of the lease containing the usual covenants for the payment of the rent thereby reserved and the observance of the covenants therein contained.

4. As to the portion on the plan colored blue, the conditions of the lease will be as follows:—

1st.—Lease to be for 999 years, commencing from the 15th March 1866, and to be granted on completion of the payment of the purchase money.

2nd.—A yearly rent of one pie per square yard per annum to be paid on the 15th of March of each year during the continuance of the lease.

3rd.—Lessee to be considered owner of all houses, buildings, sheds and other immoveable property on the land at the time of possession being given over.

4th.—Lessee shall have the right of filling in the land between the foreshore of the premises and the new seawall now in course of construction, as shown on a plan deposited in the Office of the Secretary to Government in the Public Works Department.

5th.—Lessee to pay all taxes, rates, &c., that may be or become due.

6th.—Land required for Police or Customs Chowkies as well on the assigned, as on the demised portion, to be given up to Government for such purposes free of valuation and rent.

7th.—The Lease to contain provisos for re-entry on breach of any of the covenants or conditions, or non-payment of the rent within twenty days after it becomes due, without any necessity for a formal demand thereof and all other clauses and conditions usually inserted in leases of a like nature.

8th.—The agreement, lease, and counterpart to be prepared by the lessor's solicitors at the lessee's expense.

9th.—The lessee not to enquire into or object to the lessor's title.

10th.—Possession of the Land, except that portion of it now in the possession of the Gun Carriage Manufactory, together with the right of filling in referred to in para. 4, will be given on the 15th March 1866 on the purchaser's completing payment of the 25 per cent. payable on that day under Clause 13.

11th.—Possession of the land now in occupation by the Gun Carriage Manufactory will not be given until the 15th of March 1868.

12th.—Each tender must be accompanied by a receipt from the Bank of Bombay for a sum of five (5) lakhs of Rupees as a deposit, and the terms of payment will be as follows :—

13th.—Persons who have given in tenders must appear at the Office of the Secretary to Government, Public Works Department, at 12 o'clock noon on Monday the 19th March 1866, and the person whose tender may be accepted, will be required at the time of acceptance (that is, on the noon of the day aforesaid) to pay such a sum as with the said sum of five lakhs already deposited, will make up a sum equal to twenty-five per cent. of the total price, and if the successful tenderer fails to make this payment, his deposit of five lakhs will be forfeited, and the Government may, if they so please, accept any other tender.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the purchase money remaining unpaid at the rate of 5 per cent. per annum from the 15th March 1866) must be paid on or before the 15th March 1867.

A further sum of twenty-five per cent. of the purchase money (with interest on the same and on the residue of the unpaid purchase money at 5 per cent. per annum from the 15th March 1867) must be paid on or before the 15th March 1868.

The balance of twenty-five per cent. of the purchase money (with interest thereon at the rate aforesaid from the 15th March 1868) must be paid on or before the 15th March 1869.

14th.—The Bank of Bombay receipts deposited by the persons whose tenders are not accepted, will be returned at noon on the 19th March 1866.

15th.—Government do not bind themselves to accept the highest or any tender.

16th.—Any further information that may be required may be obtained on application at the Office of the Secretary to Government, Public Works Department, between the hours of 11 A. M. and 3 P. M. on and after the 15th day of January 1866.

By order of His Excellency the Governor in Council,

W. KENDALL, *Colonel*, R. E.,
Acting Secy. to Govt.,
Public Works Department.

BOMBAY CASTLE,
2nd January 1866.

NOTICE.

Tenders for the supply to the Calcutta Mint of about 3,000 maunds, monthly, of the best Pit Coal for the official years 1866-67 and 1867-68, will be received by the Officiating Mint Master on Monday, the 19th March 1866.

CONDITIONS.

The Coal to be delivered into the Mint Storeholds, and the price to be stated in Government Rupees per Indian maund; 100 maunds of Coal to be sent as a sample with each Tender, for which payment will be made. All other information required will be supplied on application made at the Mint.

J. F. SHEKLETON,
Offg. Mint Master.

The 16th February 1866.

NOTICE No. 86.

The Public are informed that a Government Bullock Train Establishment on a limited scale has been organized under this Department between Peerpointy and Punkabarry at the base of the Darjeeling Hills, viâ Carragolah, Purneah, Kissengunge, and Titalyah, and another between Titalyah and Santrabarry at the foot of the Buxa Dooar, viâ Mynagooree. The train is chiefly intended for the conveyance of Commissariat and other Military stores, but as it happens that the train sometimes remains idle, it is notified that goods will be received from the non-official public for conveyance by the above train at the stations named below, and that the following rates will be charged upon such goods :—

		Rs.	A.	P.
Peerpointy or Sahibgunge to Carragolah ...	per md.	0	2	0
Carragolah to Purneah ...	„	0	8	0
Purneah to Kissengunge ...	„	0	12	0
Kissengunge to Titalyah ...	„	0	12	0
Titalyah to Punkabarry ...	„	0	8	0
Peerpointy to Punkabarry ...	per md.	2	10	0
Titalyah to Santrabarry ...	„	1	14	0
Peerpointy to Santrabarry...	per md.	4	8	0

Delivery of goods will be made at the above stations, and passengers, when there is available space, will also be carried by the train on prepayment of the charge for three maunds. Further, as the down train from Punkabarry to Carragolah is expected to return empty, country produce will be received for despatch and charged for at the following rates :—

		Rs.	A.	P.
Punkabarry to Titalyah ...	per md.	0	8	0
Titalyah to Kissengunge	„	0	6	0
Kissengunge to Purneah	„	0	6	0
Purneah to Carragolah ...	„	0	4	0
Carragolah to Peerpointy ...	„	0	2	0
Punkabarry to Peerpointy...	per md.	1	10	0

C. K. DOVE,
Post Master Genl. of Bengal.

CALCUTTA,
The 19th February 1866.

NOTICE.

Required for the Rajshahye Collectorate an Accountant thoroughly conversant with the rules of practice adopted in the Accountant General's Office.

The applicant must possess a knowledge of English, and produce testimonials of qualification and good character. Salary Rs. 35 per mensem.

D. CUNLIFFE,
Collector.

RAJSHAHYE COLLR.'S OFFICE;
CAMP GODAGAREE,
The 12th February 1866.

Statement of Government Promissory Notes enfaced for Payment of Interest in London, showing the total amount outstanding according to the Registers received in this Office up to 20th February 1866.

	4 per cent. Transfer of 1865.	4 per cent of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statement dated 14th February 1866 ...	18,58,900	48,000	300	23,69,700	24,60,400	1,11,64,300	83,46,100	39,08,400	5,10,04,300	3,11,59,900	17,600	16,000	11,23,53,900
ADD—													
Amount enfaced at Madras, as per Registers received up to date	6,400	...	...	...	...	...	19,000	...	...	...	...	...	25,400
Amount enfaced at Bombay, as per ditto ...	...	...	...	...	...	...	...	...	...	32,000	...	...	32,000
Amount enfaced at Calcutta up to date	9,100	...	...	...	32,200	1,17,000	1,33,100	68,200	1,58,600	53,500	...	...	5,71,700
Total ...	18,74,400	48,000	300	23,69,700	24,92,600	1,12,81,300	84,98,200	39,76,600	5,11,62,900	3,12,45,400	17,600	16,000	11,29,83,000
DEDUCT—													
Amount removed from the London Books as per Registers received up to date	5,000	1,000	...	35,300	34,000	4,19,600	2,53,500	57,600	7,30,300	3,97,000	...	...	19,33,300
Total ...	18,69,400	47,000	300	23,34,400	24,58,600	1,08,61,700	82,44,700	39,19,000	5,04,32,600	3,08,48,400	17,600	16,000	11,10,49,700

PUBLIC DEBT OFFICE;
BANK OF BENGAL,
The 27th February 1866.

D. WOODS,
Offg. Secretary and Treasurer.

In the Press.

A Hand-book shewing the Leave, Pay, Deputation, Travelling Allowances, and Pensions claimable by Judges of the High Court, Covenanted Civilians, Military and Medical Officers in Civil Employ, Ecclesiastical, Marine, Uncovenanted Officers, and Officers in the Public Works Department.

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Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

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Third Class.

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IN HISTORY.

First Class.

Chunder Nath Bose ... Presidency College.

Second Class—In Order of Merit.

Soshee Bhoosun Banerjee ... Presidency College.
Juggeshur Chunder ... Presidency College.

Third Class.

Baney Madhub Dey . Presidency College.

IN MENTAL AND MORAL PHILOSOPHY.

First Class.

Kali Charan Banerjee ... Free Church Institution.

Second Class—In Order of Merit.

Gobinda Chunder Ghose ... Presidency College.
Nibaran Chunder Mookerjee Presidency College.

Third Class.

Oma Canta Chatterjee ... Presidency College.

IN MATHEMATICS.

Second Class.

Dwarkanath Bhuttacharjee Teacher.

IN NATURAL AND PHYSICAL SCIENCE.

First Class

Kali Pada Gupta .. Medical College.

The under-mentioned Students have passed the Examination for the Degree of Master of Arts :—

IN HISTORY.

Aukheel Chunder Sen ... Dacca College.

IN MATHEMATICS.

In Alphabetical Order.

Ram Lall Banerjee ... Presidency College.
Shumboo Chunder Naug .. Dacca College.

J. SUTCLIFFE, M. A.,
Registrar.

The 26th February 1866.

NOTICE.

We have admitted Mr. John James Ross a partner in our Firm from the 1st instant.

J. H. FERGUSSON AND CO.

The 16th February 1866.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL, ORDINARY ORIGINAL CIVIL JURISDICTION.

In the matter of Act XIX of 1857 of the Legislative Council of India and in the matter of the Sarawuk Jainee Hindustan Banking and Trading Company Limited. } By an order made by Her Majesty's High Court of Judicature at Fort William in Bengal in the above matter, dated the 19th day of February 1866, on the Petition of Ramchurn Mullick, a creditor of the above Company, it was ordered that the affairs of the said Sarawuk Jainee Hindustan Banking and Trading Company Limited be wound up under the direction of the said Court.

CARUTHERS PITTAR & DIGNAM,
Solicitors for the said Petitioner.

Just Published,

No. 1, FOR JANUARY, 1866,

OF

THE PUNJAB RECORD

OR

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CRIMINAL JUDGMENTS.

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LOST.

The First-half of Government Currency Note, No. $\frac{A}{26}$22587, and the second of No. $\frac{A}{26}$29663 for Rs. 20 each. Payment stopped at the Mint.

LOST.

Government Currency Notes Nos. $\frac{A}{11}$72422, 85215, and 86737 for Rs. 50 each.

J. DEWAR.

LOST OR STOLEN,

On or about the 12th January, in transit by post from Doomka to Balasore, the left-hand half of Government Currency Note for Rs. 50.

J. W. WHITE.

LOST.

The left-half of the Government Currency Note No. 29981 of 1861 for Rs. 50.

BEEPIN CHUNDER GOOHO.
At present residing at Hoosheinpore.

LOST.

Halves of the following Allahabad Circle Currency Notes:—Nos. $\frac{A}{13}$96444, 96445, 96446, 96447, 96448, 96449, 96450, 84735, 84736 and 84737 for Rs. 100 each.

H. M. ROGERS, C. S.,
Asst. Magte., in charge, Philibheet.

LOST.

The Second half of Goverment Currency Note No. $\frac{A}{20}$25080 for Rs. 100.

RAM DHONE PAUL.

IN THE DEHLIE COURT OF BANKRUPTCY.

Notice is hereby given that Mr. William Hamilton Marshall, Merchant of Dehlie, has been this day adjudicated Bankrupt, and that Friday, the 9th day of March 1866, is the day appointed for the meeting of Creditors, the appointment of a Creditors' Assignee, and the hearing of the Bankrupt's petition for discharge.

All Creditors intending to oppose the Bankrupt's discharge, must give notice thereof by a petition written on eight anna stamped paper, containing the grounds of their opposition, and an enumeration of any witnesses they may wish to be summoned. Such notice must be filed at least three days before the day appointed for the meeting.

The Schedules of the Bankrupt are open for the inspection of Creditors in the Office of the Official Assignee at the Court.

Registration of claims against the Bankrupt may be obtained by presenting an application on eight-anna stamped paper containing a statement of the same, verified and signed by applicant.

Creditors living at a distance may obtain registration by forwarding by post a statement of their claim, written upon eight anna stamped paper, and verified on oath before a Judicial Officer.

W. COLDSTREAM,
Commr. in Bankruptcy.

DEHLIE,
The 31st January 1866.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned:—

F. M. HALLIDAY,
Offg. Magistrate.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XV, corrected in the Office of the Adjutant General up to the 1st of January, is now ready. This Number contains the List of War Services of Officers. Price Five Rupees *in advance*, and eight annas extra if sent by post. Apply to

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As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates:—

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The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

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To this Volume is appended a Supplement containing various Treaties and Engagements concluded and Sunnuds issued since this collection was commenced.

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No. 9.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA SATURDAY, MARCH 3, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 23rd February 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Rájá Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

SUMMARY PROCEDURE ON BILLS OF EXCHANGE BILL.

The Hon'ble MR. MAINE moved that the Report of the Select Committee on the Bill to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India be taken into consideration. He said that the amendments which the Select Committee proposed to introduce in the Bill were, he hoped, of some value, and one was of some importance. The first change which the Select Committee proposed was the substitution in Section 3 of "seven days" for "twelve days." Twelve days was the time mentioned in the English Act. But it had been observed to the Select Committee that the minimum time within which a decree might be obtained under the Code of Civil Procedure was eight days. Now, no doubt a plaintiff in a suit upon a Bill of Exchange did not always obtain his decree in the minimum time. Indeed in some simple cases, as Mr. Maine had explained on a former occasion, he was often inordinately delayed. But still there was some anomaly in having a shorter period named for the summary than for the ordinary procedure. Further it was inexpedient to give the plaintiff any temptation to prefer the ordinary to the summary procedure, because he might thereby inflict on the defendant unnecessary costs. The Committee thought that the justice of the case would be met by substituting "seven days" for "twelve days."

In the same Section, MR. MAINE proposed, with His Excellency's leave, in accordance with a suggestion of the British Indian Association, to move the substitution in line 1 of the word "shall" for "may." So long as the procedure was confined to the High Court, he had no objection to give a discretion to the Judges. But by the Section which followed (Section 8), the Local Government was empowered to extend the procedure to the Mofussil Courts, and in the case of those Courts it would, on the whole, perhaps, be better that the direction should be imperative. The British Indian Association had, in fact, expressed doubts whether the summary procedure should be extended at all to the Mofussil. Mr. Maine agreed in this to the extent of thinking that the Local Government should exercise great caution in extending the procedure, and should be satisfied

that the duty of superintending and carrying it out was lodged with Officers capable of exercising the powers confided to them.

With regard to the whole of these Sections providing a summary procedure, the Bombay Chamber of Commerce had represented, in a petition which had been received after the Select Committee had closed its sittings, that not only should the decree be expedited, but that execution of the decree should be summary also. Now the Bombay Chamber had so greatly assisted the Government by its intelligent discussion of the Bills submitted to it that he would be most willing to comply with its wishes, but he really believed that it was impossible to do so. The state of the case was that, under the ordinary Common-Law procedure in England, it might be that a considerable interval elapsed between judgment and execution; and therefore there was good reason in England for rendering the procedure on Bills of Exchange more summary. It appeared, however, that the improved procedure at home and the procedure of the Code in India with respect to execution were exactly identical. In both cases execution might be had at once. The real grievances of the Bombay Chamber, as appeared from the sequel of their petition, were not of a kind to be remedied by any legislation. The Chamber complained in fact of delays in the Registrar's and Taxing Master's Offices. As respects most of the matters complained of, it was for the Local Government or the High Court to afford relief. But Mr. Maine would observe that, in respect of the taxation of costs, the costs under the new procedure would generally be fixed costs, and in the very few cases in which they would be taxed, it was competent for the plaintiff under a later Act (XX of 1862) to at once ask for execution of the decree on the sum awarded to him before the costs were ascertained by taxation, and to postpone to a later period execution as to costs. On the whole, Mr. Maine did not think it possible to introduce any new Section. Section 11 which provided that the acceptance of a Bill, whether inland or foreign, should be in writing, had been a good deal considered by the Select Committee, who thought that it should remain as it stood. Mr. Maine had explained to the Council that, as regarded inland Bills, it stated what had been the law of England for a century, while as regarded foreign Bills, it agreed with what had been the English law for the last six or seven years. The Section would not interfere with Native usages. The Committee had had the benefit of Rájá Sáhib Dyál's assistance, and had ascertained from him that the Native usage was to accept hundis in writing, unless in cases where they were drawn after date.

Section 13 put all inland Bills on a level with foreign Bills, and would, if adopted, give a legislative sanction to the present custom of merchants in India. It provided that protest of a Bill of Exchange, whether inland or foreign, when purporting to be made by a Notary Public, should be *primâ facie* evidence that the Bill had been dishonoured.

As regarded Section 14, which gave power to sue on lost negotiable instruments, Mr. Maine could not add any thing to what the Select Committee had observed with reference to the question whether the silence of the existing Code of Civil Procedure, which merely provided that when a suit was founded on a document, such document should be produced in Court when the plaint was presented, took away the general power of Indian Courts, which were at once Courts of Law and Equity, to grant relief upon a lost instrument on proper indemnity being given by the plaintiff against the claims of any other person on the instrument. Mr. Maine agreed in the decision at which the Select Committee had arrived, that for the present, and until the whole matter was made clear by the amended Code of Civil Procedure, all doubt in the case of documents so important as Bills of Exchange and Promissory Notes should be removed by the retention of Section 14.

A very important change which the Committee had made was as regarded Section 15, which provided that "every assignee, by endorsement or otherwise, of a policy of marine insurance, or of a policy of insurance against fire, in whom the property in the subject insured shall be absolutely vested at the date of the assignment, shall have transferred to and vested in him all rights of suit as if the contract contained in the policy had been made with himself." At the discussion which occurred in Council when the Bill was referred to a Select Committee, Mr. Bullen had expressed a wish that the principle of the Bills of Lading Act (No. IX of 1856) should be extended to policies of assurance, and the Council had since had a communication from the Calcutta Chamber of Commerce expressing the same desire. The anomaly to be remedied was this. If a Bill of Lading were endorsed, the endorsee, to whom the property in the goods therein mentioned passed, had transferred to and vested in him all rights of suit in respect of the goods, as if the contract contained in the Bill of Lading had been made with himself. But if the same goods were insured, and the policy of insurance had been endorsed over to him, the assignee of the goods could only sue in the name of the person insured, or the agent or insurance broker who nominally effected the insurance. So in the case of fire-policies, the right and property in the goods might have passed to the vendee; but, under the present state of the law, if the goods had been insured and the policy assigned over to him, he could only sue in the name of the person effecting the insurance.

It had been objected that if the Indian Courts, which were at once Courts of Law and Equity, were to do their duty, they would put an end to those anomalies and subtleties which now prevailed. But, so far as Mr. Maine could see, they had not as yet done anything towards this object. The Committee had not included life-policies, because there might be circumstances which would render it dangerous to allow assignees of such policies to sue in their own names.

He had only one further remark to make. All bodies to which the Bill had been referred—the Chamber of Commerce, the Landholders' and Commercial Association, and the British Indian Association—while reserving those few points to which Mr. Maine had referred, had expressed their strong approval of the Bill, and their wish that it should be passed without delay.

The Motion was put and agreed to.

The Hon'ble Mr. Maine then, with the permission of His Excellency the President, moved the substitution in line 1 of Section 3, of the word "shall" for the word "may."

The Motion was put and agreed to.

The Hon'ble MR. MAINE then moved that the Bill as amended by the Select Committee, with the substitution just accepted by the Council, be passed.

The Motion was put and agreed to.

ARMS' ACT CONTINUANCE BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to continue Act No. XXXI of 1860 (relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases) and for other pusposes.

EXECUTION OF PROCESS (STRAITS' SETTLEMENT) BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to extend Act No. XXIII of 1840 (for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by Authorities in the Mofussil).

CRIMINAL PROCEDURE ACT AMENDMENT BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to amend Act No. XXV of 1861 (for simplifying the procedure of the Courts of Criminal Judicature not established by Royal Charter).

The Council adjourned till the 2nd March.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

CALCUTTA,
The 23rd February 1866.

HOME DEPARTMENT.

Convention between Her Majesty and the Shah of Persia, respecting Telegraphic Communication.

As Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Shah of all the Kingdoms of Persia are desirous of regulating the Telegraphic communication between Europe and India, and of placing this work on a sure and friendly basis, they have resolved that a Convention for that purpose shall be concluded. Wherefore their Majesties have named as their Plenipotentiaries—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; His Excellency Charles Alison, Esquire, Companion of the Most Honorable Order of the Bath, Her Envoy Extraordinary and Minister Plenipotentiary at the Court of Persia;

And His Majesty the King of all the Kingdoms of Persia; His Excellency Mirza Saeed Khan, His Minister for Foreign Affairs, Possessor of the Order of the Royal Portrait adorned with Diamonds and of the Blue Cordon, and Bearer of the Pearled Tassel and the Rod adorned with Diamonds, Possessor of the Order of first Serteeb with its Special Cordons, and Bearer of the Order of Saint Anne adorned with Diamonds of the 1st Class; and of the Order of the Medjidee of the 1st Class; and of the 1st Order of the Iron Crown; and the 1st Order of Leopold; and the 1st Order of Danaborg; and the 1st Order of St. Maurice and Lazare; and the 1st Order of the Saviour of Greece; and the Order of the Polar Star of Sweden; and the 2nd Order of the Legion of Honor.

And the aforesaid distinguished Representatives after meeting in the Capital of Teheran and perusing and exchanging their Letters of Full Power and finding them to be in due order have concluded the following Articles:—

ARTICLE I.

In order to improve the Telegraphic communication between Europe and India, the Persian Government agrees to attach another wire to the poles now standing from Bushire to Khanakin and to bring it into working order as soon as possible. The wire to be used solely for International messages sent in European languages.

ARTICLE II.

In order that the second wire may be attached in a complete and effective manner, the Persian Government also agrees that it shall be done under the direction and supervision of an English Engineer Officer and Staff and the Persian Government will use its best endeavors to collect the necessary materials and lay down the wire with all expedition.

ARTICLE III.

The British Government agrees to procure for the Persian Government at a reasonable price and with the cognizance of a Persian Commissioner all the wire insulators Morse Instruments, &c., that may be requisite for this work inclusive of two hundred iron posts for the marshy tract of Bushire and to deliver them over to the Government Commissioners at any seaport or frontier town of Persia that may be suitable, receiving payment in five years in five instalments.

ARTICLE IV.

The Persian Government moreover agrees that an English Telegraph Officer with the necessary Staff not exceeding fifty (50) in number exclusive of families shall be engaged from the opening of Telegraphic communication through the new wire for five (5) years in organizing the Persian line of Telegraph and giving instruction in telegraphy. And the British Government agrees that the English Officer and his Staff shall at the expiration of the prescribed period make over the said line to the Persian Government and cease connection with the Persian Telegraph.

ARTICLE V.

The conditions under which the English Officer shall exercise control over the second wire during the prescribed period are stated in the following Rules:—

I.—His Royal Highness the Itizad-oo-Sultaneh Minister of Science or any other person who by the Shah's order may be appointed in his place is to be considered the Head and absolute Chief of all the Persian Government Telegraphs.

II.—Any order which His Royal Highness or such other person in his place may issue concerning the protection of the Line its working and the

Persians employed on it shall be given through and with the approval of the English Telegraph Officer.

III.—For the protection of the line the whole distance from the Turkish Frontier to Bushire shall be divided from Station to Station into six Sections as follows :—

From the Turkish Frontier to Hamadan.
From Hamadan to Teheran.
From Teheran to Kashan.
From Kashan to Ispahan.
From Ispahan to Shiraz.
From Shiraz to Bushire.

To each of these Divisions His Royal Highness the Itizad-oo-Sultaneh shall appoint a Persian Officer who will be responsible to His Royal Highness for the protection of the Line situated within his limits. To enable the said Persian Officer or Yaver of each Division to carry out his duties efficiently a certain number of Horsemen shall be stationed under his orders along the Line. The Yaver will of course accept any suggestions which the English Telegraph Officer may give with reference to his charge due regard being had to the customs of Persia and her power of carrying out such suggestions.

IV.—The organization of Offices and instruction of employés shall be exclusively in the charge of the English Superintending Officers who will be responsible for the working of the Line in these respects. And the Persian Signallers shall be ordered to obey implicitly the instructions which the English Officers may give in the performance of their duties.

V.—In case of insubordination or misconduct on the part of the Persian Signallers His Royal Highness the Itizad-oo-Sultaneh engages to use his best endeavors in lawfully supporting the authority of the English Superintending Officer exercised under the last Rule. On the other hand the English Officer engages that the bounds of that authority shall in no way be exceeded.

VI.—The English Officer shall have nothing whatever to do with receipts of money. A Mirza will be appointed at each Station who will be directly responsible for the accounts to His Royal Highness the Itizad-oo-Sultaneh. But the English Superintending Officer shall render to His Royal Highness or any person who may be appointed by the Persian Government such account of the Telegrams despatched under his authority as may be sufficient for full information.

These Rules however general in some sense are understood to have special application to the second wire.

ARTICLE VI.

In filling up vacancies which may occur among the Signallers employed under Article IV, the English Telegraph Officer shall give the perference to Natives of Persia provided they be qualified in his estimation by knowledge of the English language and other attainments necessary for this service to perform the duties required.

ARTICLE VII.

As the Telegraph Offices of these two wires ought to be distinct the Persian Government shall build a new Office adjoining the existing one wherever there are not separate rooms.

ARTICLE VIII.

If any injury befal the second wire or delay occur through press of traffic the first wire which is specially used for internal communication in Persia shall give assistance to the second wire and *vice versâ*.

ARTICLE IX.

For every message of twenty words or less from Khanakin to Bushire or *vice versâ* one toman five kerans and eight shahis in Persian money or fourteen shillings in English money shall be charged with proportionate rates for the intervening towns. The Persian Government accepts the Tariff laid down in the last Convention between Turkey and England, so far as regards the rates of messages sent by the two Governments from Bushire to India and from Khanakin to Constantinople or Europe.

ARTICLE X.

The yearly receipts will be credited to the Persian Treasury. But should they reach a higher sum than thirty thousand (30,000) tomans the surplus will be made over to the Officers of the English Government for the cost of their Establishment.

ARTICLE XI.

All Indian messages at whatever part of the Line or from whatever place received shall be given over to the second wire and the accounts regularly kept.

ARTICLE XII.

Should the traffic so continuously increase as to demand more in one day than the fair day's work on the second wire the excess of Telegrams shall be handed over for despatch to the first wire the money received on them being separately credited to the Persian Government. The adjustment of this matter shall rest with the Itizad-oo-Sultaneh and the English Superintending Officer. This Article is quite irrespective of the provision for mutual assistance in the event of a slight and temporary delay.

ARTICLE XIII.

The cost of all other than Indian or Sub-marine Cable messages shall be separately credited to the Persian Treasury although conveyed by the second wire.

ARTICLE XIV.

The relative values of coin shall be calculated for purposes of account at the following rates :—

One pound sterling		=25 francs.
		=22 kerans.
One shilling	...	= 1 franc and 25 centimes.
		= 1 keran 2 shahis.
One penny	...	=10 centimes.
		= 2 shahis.

As a rule accounts shall be kept in English and payments made in Teheran in Persian currency.

ARTICLE XV.

The Telegraph accounts shall be made up by the English Superintending Officer monthly and sent to Constantinople where by comparison with the Cable and Turkish accounts they will be checked by the British Commissioner appointed for that purpose. On the return to Teheran of the audited accounts from Constantinople the amount due to the Persian Government will be certified by the English Officer and speedily paid every six months as stated in the last Article. The above account shall always be open to the inspection of the

Telegraph Agent of the Persian Government at Constantinople, or any person recognized by the Persian Minister at the Ottoman Court for the settlement of accounts of International traffic on the Persian Turkish Line.

ARTICLE XVI.

The Telegraphic Regulations drawn up at Paris on the thirteenth of April Anno Domini one thousand eight hundred and sixty-five shall be carried out under the superintendence of the Persian Government so far as not opposed to the terms of the present Convention or the Institutions of Persian.

ARTICLE XVII.

Any disagreement arising between the Telegraphic employés of the two Governments shall be referred to their Excellencies the Persian Minister for Foreign Affairs and the British Minister at Teheran in order that after necessary investigation a just decision may be pronounced.

ARTICLE XVIII.

This Convention shall take effect from the opening of correspondence on the second wire and remain in force for five (5) years from the day that a Telegram is first despatched thereby. At the expiration of the five years it shall be null and void. If at any time within the term appointed the capabilities of Persian Telegraphers for their work shall be proved to the satisfaction of the Chief of the Persian Telegraphs and the English Telegraph Officer the full period shall be curtailed and the Line made over altogether to the Persian Government.

ARTICLE XIX.

The present Convention shall be ratified and the Ratifications exchanged at Teheran within five months or sooner if practicable.

DONE at Teheran on the twenty-third day of November Anno Domini one thousand eight hundred and sixty-five.

(Signed) C. ALISON. L. S.

" MIRZA SAEED KHAN. L. S.

HOME DEPARTMENT.

Employment of Special Trains for the conveyance of Overland Mails from Bombay.

From H. B. RIDDELL, ESQ., Director General of the Post Office of India, to Secy to Govt of India, Home Dept.,—(No. 3196, dated 22nd February 1866.)

I have the honor to report that the Great Indian Peninsula Railway Authorities, with the sanction of the Government of Bombay, proposed to convey the Overland Mails by special express trains from Bombay, provided that the Post Office would pay 2 Rupees a mile towards the expense of the train, and that they were allowed to carry a limited number of passengers at double the ordinary fares.

2. I stated in reply, by Telegraph, that no permanent arrangement could be made by me without the sanction of the Government of India. After some correspondence and negotiation, it was arranged, after personal communication with Captain Osborne, C. B., the Agent of the Great Indian Peninsula Railway Company, that the Post Office should have the exclusive use of a carriage; that the Mails should be sorted in transit; that the special train should leave Bombay five hours after the hour at which the Mail Steamer anchored; that the special train should go as far as the line was open towards Nagpore; and that the Mails for the North-Western Provinces and Punjab should be forwarded at once from Bhosawal Junction to Boorhanpore on the Indore line.

3. The necessary concessions and arrangements having been made by the Great Indian Peninsula Railway, I provisionally accepted the offer, and informed Captain Osborne that I had not authority to make any permanent arrangement involving expense; and that it must be understood that the despatch of a special train was purely experimental.

4. The last Overland Mail was accordingly despatched by special train, and I trust that the advantages which I will briefly describe will be considered as sufficient to justify the experiment, and to induce Government to sanction its continuance until the monsoon, when, I believe, the Railway Company will decline sending an express train.

5. By the special train there was an absolute gain of about nine hours in transit, being the difference between the time occupied between Bombay and Budnaira by the ordinary train and the special train; second, the Mail left Bombay 15 hours sooner than it could have done had it been forwarded by the ordinary passenger train. This gain will, of course, vary according to the hours at which the Mail Streamer anchors; but in the case of the last Mail there was, in all, a clear gain of 24 hours,—nine of which are due to the speed of the special train, and 15 to its being despatched at 5 A. M. instead of 8 P. M.

6. Had the Railway Company persisted in refusing to allow the necessary fittings to be put up, and the Mails to be sorted in the carriage, the special train would have been of little use, as it would not have been possible for the Bombay Post Office to have sorted and packed the Mails for the interior in the interval of about three hours between the receipt of the Mails in the Post Office and the departure of the train. Sorting being allowed, the whole of the letters and summaries were sorted and packed in the train, and much time saved. The Post Master General of Bombay accompanied the train for 11 hours, and reported from Julgaon that all letters and summaries for the North-Western Provinces were sorted.

7. There can, I think, be no question of the convenience of an arrangement under which the Overland Mails can leave Bombay immediately after their receipt in the Post Office; and I do not think that, under the circumstances, the sum of Rupees 2 a mile, asked by the Great Indian Peninsula Railway Company, and approved by the Government of Bombay, is excessive. The cost of the train is estimated at Rupees 5 a mile; and as it is a special one for the accommodation of the Post Office, it is but right that payment should be made for it. At the same time it will perhaps be desirable that it should be clearly understood that the payment is only intended to guarantee the Company against loss in running a train for the special accommodation of the Post Office; and that, if the receipts from passengers

should at a future date fully cover the cost, or should Government order, as part of the ordinary train service, the despatch of an express train, the special payment, for which sanction is now asked, will be discontinued: and when a weekly Mail is received, the question may be reconsidered.

8. The distance from Bombay to Budnaira is 411¾ miles, and I request sanction to the payment of Rupees 2 a mile for each Overland Mail until after the arrival of the first Mail in May next. The Railway may extend some miles nearer to Nagpore, and in that case the expense will be proportionally greater, but the saving in the Road Establishment will provide funds.

From A. M. MONTEATH, ESQ., Under Secy. to the Govt. of India, Home Dept., to Director Genl. of the Post Office of India,—(dated 2nd March 1866.)

I am directed to acknowledge the receipt of your letter No. 3196, dated the 22nd ultimo, giving an account of a provisional arrangement made by you with the Agent of the Great Indian Peninsula Railway Company for the despatch of an express train from Bombay five hours after the anchoring of the Mail Steamer at that Port; and requesting sanction to the payment to the Railway of 2 Rupees per mile towards the expense of the special train for each Overland Mail, until after the arrival of the first Mail in May next, when, owing to the setting in of the monsoon, you understand that the Railway Company will not be willing to send a special train.

2. In reply, and with reference to the understanding mentioned in the 7th paragraph of your letter, I am desired to convey the sanction of the Governor General in Council to the proposed charge.

Present state of Telegraph Lines in the Bombay Circle: measures adopted for their improvement.

From LIEUT COLONEL D. G. ROBINSON, R. E., Director Genl. of Telegraphs in India, to Secy. to the Govt. of India, Home Dept.,—(No. 2183, dated 23rd December 1865.)

In reply to Home Office No. 3196 of the 25th October, covering copy of the Secretary of State's No. 6 of the 8th September 1865, and calling upon me to report "on the present state of the line between Kurrachee and Bombay, and whether any improvements are still requisite," I have the honor to submit extracts from a very interesting Report just received from Mr. B. C. Bailey, the energetic Officiating Director of the Western Division.

2. Mr. Bailey has certainly earned the approbation of Government for the great improvements that have been effected during the last few months in the working of the Bombay lines; but, although much has been done, there is still an immense deal more to do ere these lines can even approach that perfect state in which it is our object, not only for the interests of Government and the public, but also for the credit of the Department, to bring them to.

The non-arrival of the insulators and Telegraph stores from England is delaying the completion of the work of repairs, re-construction, and insulation, all over India, as well as in Bombay, to a serious extent. Instead of these stores reaching India by the close of the rains, they appear never to arrive until the working season (October to April) is drawing to a close.

I regret to say that, in the present instance, the Indian Department is almost wholly to blame. The Indents for stores were sent in sufficiently early, and Captain Mallock was in England to expedite them; but the Specifications which were to define the characters of those stores, and which my predecessor stated it was his intention to submit very shortly after the Indents, were never sent in until after Captain Mallock had returned to India, and brought this most vexatious fact to my notice. No time was then lost in completing these important papers, but the evil was done, and the opportunity of making the most of the best part of the working season is now irretrievably lost. The acceleration of the despatch of these stores is of such importance that I have made it the subject of a separate letter.

The following abstract shows at a glance the exact state of the lines :—

Section of Lines.	Mile.	On	Number of Wires.	Insulators.	REMARKS.
Kurrachee to Kotree ...	107	Hamilton's standards	2	Bell-shaped stoneware	Of these, one is rented from the Railway.
Kotree to Hyderabad ...	3	Ditto ...	2	Ditto.	
Hyderabad to Deesa ...	316	Ditto ...	1	Ditto.	
Deesa to Ahmedabad ...	98	Inferior wooden posts	1	No insulation ...	In very bad condition, now in course of reconstruction.
Ahmedabad to Broach ...	132	Good wooden posts	1	Ditto. ...	Will stand till working season 1866-67.
Broach to Bulsar ...	88	Hamilton's standards	2		
Bulsar to Bombay ...	116	Ditto ...	1		
Total ..	860				

The renting of the Railway wire between Kurrachee and Kotree has proved a judicious measure.

(Enclosure of above.)

Extract from letter from B. C. BAILEY, Esq., Offg. Director of Telegraphs, Western Division, to Offg. Director Genl. of Telegraphs in India,—(No. 1383, dated 15th November 1865.)

Para. 2.—The length of Telegraph line between Bombay and Kurrachee is 860 miles, of which 630 miles is permanently supported on Hamilton's ¾ iron standards, and should not require more than petty repairs for the next seven years; 132 miles is on wooden posts strong enough to stand, with ordinary care, till the working season of 1866-67; and 98 miles on wooden posts scarcely strong enough to hold one wire even in dry weather. The last-named piece is now in course of re-construction with ¾ iron standards, and will, in all probability, be completed by the end of the present working season.

3. On the line above referred to, we have two wires in working order for 190 miles as per margin. On the remaining distance there is only a single wire at present, but the second wire is being suspended for 354 miles (Deesa to Broach, and Bulsar to Bombay), and will be brought into use, section by section, during the next three or four months. Stores are now on the way round from Calcutta for the 316 miles gap between Hyderabad and Deesa, and immediately they arrive the work on that part will be commenced.

Kurrachee to Hyderabad (Sind)	110*
Broach to Bulsar.	80
Total ...	190

* Of this, 107 miles (Kurrachee to Kotree) is rented from the Railway Company till our own second wire is ready for use.

4. There is every prospect of the second wire being opened out all the way from Bombay to Kurrachee during the present working season, but we still require a very large supply of the new pattern insulators and brackets to complete the line and ensure perfect communication at all seasons. Up to this date we have not sufficient of these stores to complete even the 120 miles section between Bombay and Bulsar. The other portions of the second wire are being nailed to the sides of the posts as a temporary arrangement for the dry weather, except in Sind where the heavy dew is found as great an obstacle to the working of uninsulated wires as the rains in other parts of the country, and consequently the second wire cannot be suspended at all between Kurrachee and Deesa (426 miles) till insulators are received.

Insulation.

5. The non-arrival of insulators has not only delayed the completion of the second wire, but caused serious inconvenience to the first wire, and added considerably to the work of the Line Officers. In April and May the second wire was suspended temporarily in expectation of the arrival of insulators before the end of the dry season, and when the rains set in both wires were brought into contact, and communication was stopped altogether till the second wire could be removed.

6. Insulators and brackets are, I am informed, expected here in December, and arrangements have been made to put them up immediately they arrive.

7. The working of the Bombay to Kurrachee line has improved gradually since May last, and for the last two months messages to and from the Indo-European line have been passed with no greater delays than those occasioned by the intermediate Offices south of Deesa, disconnecting for local work, and by stoppages caused by the Construction Parties on the line, notwithstanding that there has been a large increase of traffic.

8. The annexed extracts from the Bombay Office Maxima and Minima Time Interval Reports, and Cash Collection Statements for the months from April to October 1865, will show the improvement that has been made in the transmission of messages, and the increase of the traffic along the Bombay and Kurrachee line; and, I think, I may say that a corresponding improvement has been made in all other respects,—very few complaints having been made either to the Department direct or through the newspapers.

9. These improvements have been effected *first*, by renting one of the Railway Telegraph wires between Kurrachee and Kotree, thereby giving the Department one district line for the traffic between Kurrachee and the Punjab, and another for traffic between Kurrachee and Bombay, instead of throwing the work of two main lines on one wire; *secondly*, by strengthening the lines between Deesa and Bombay; *thirdly*, by separating the Kurrachee wire from the multiple line for nine miles at this end; and, *fourthly*, by strengthening the Signal Offices, and controlling them more efficiently from the Head Quarters of the Division.

10. I am aware that even the present improved working is very much slower than it ought to be; but if it is considered that, on the greater portion of the line in question, there is only one wire; that five of the nine intermediate Offices have a large amount of local traffic, which must of necessity interfere with the through communication, and that the Signal Offices are still short-handed; I think it will be admitted that a change for the better has really been made, and that we are much more likely to advance in the same direction than to revert to the bad state of affairs that existed some months ago.

11. Every section of the second wire brought into use lessens delay in the transmission of "through" messages, by relieving the main line of local traffic; and, when the whole of it is completed, I believe that the state of communication between Bombay and Kurrachee will be such as to give entire satisfaction both to the Government and the public.

(Enclosure of above.)

Extracts from the Cash Collection Reports of the Bombay Signal Office, showing the amount collected for messages to places on the Indo-European line, during the undermentioned months:—

Months.		Amount. Rs.	A.	P.
April	1865	19,575	15	9
May	„	18,035	8	3
June	„	25,320	4	3
July	„	15,494	0	6
August	„	18,595	6	0
September	„	22,337	1	3
October	„	27,281	14	3

From E. C. BAYLEY, ESQ., Secy. to the Govt. of India, Home Dept., to Director Genl. of Telegraphs in India,— (No. 531, dated 16th January 1866.)

I am directed to acknowledge the receipt of your letter No. 2183, dated the 23rd ultimo, submitting a Report on the present state of the line between Kurrachee and Bombay, and as to the improvements that are still requisite.

2. In reply, I am directed to request that you will use every possible means to advance the work to the utmost extent during the present working season.

3. The Governor General in Council has, I am to add, full confidence in Mr. Bailey's zeal and intelligence, and sees no reason to be dissatisfied with what he has already done with the means at his disposal.

From LIEUT. COLONEL D. G. ROBINSON, R. E., Director Genl. of Telegraphs in India, to Secy. to the Govt. of India, Home Dept.,—(No. 2426, dated 19th January 1866.)

In continuation of my letter No. 2183 of the 23rd ultimo, I have the honor to forward further extracts from Mr. Bailey's (the Director of Western Division) Report on the state of the Bombay lines.

2. If every one evinced as much zeal and energy as Mr. Bailey, I should cease to have any anxiety for the lines of Southern India, and then all would be brought into as good condition of those of Major Murray's Circle, with which (excepting the incomplete lines in Assam) I have no fault to find.

3. I have, in anticipation of the sanction of Government, given Mr. Bailey full authority to make the alterations and partial re-constructions urgently needed to bring the bad lines into temporarily serviceable order, have expressed my approval of the performance of Messrs. Westaway and Sequeira, and

my displeasure at the state into which the Offices under Mr. Wickham have been reduced. It is my intention to place another Superintendent at Bombay, and to make a Circle south of Bombay, and in Rajpootana. On this subject I shall address you at an early date.

(Enclosure of above.)

Extract from a letter from B. C. BAILEY, ESQ., Offg. Director of Telegraphs, Western Division, to Director Genl of Telegraphs in India,—(No. 1563, dated 23rd December 1865)

Para. 2.—*From Bombay to Poona*, 120 *miles.*—The line is constructed with ¾ iron standards, but only the Poona half of it is in a really secure state. On the other part the wire is only nailed to the side of the top-poles, owing to the want of brackets and insulators, and in some parts near Bombay the line is so close to the Railway that it is frequently injured by bales of cotton, and other bulky articles, falling upon, or coming in contact with, it.

3. The nails will be re-placed by brackets as soon as a supply of the latter is received from England; but it is not possible to make much improvement in the direction of the line along the Railway, as there is not a foot of ground to spare, inside or outside the fence, for five or six miles from Bombay. All that can be done (short of laying a line under-ground, which I do not recommend), to lessen the inconvenience caused by the line being so near the rails, is to attach an extra Line Runner to the Bombay Office, and employ him constantly in patrolling the lines along both Railways for twelve miles from Bombay.

4. *Poona to Sattara*, 64 *miles.*—Men have been employed for the last ten months, except during the rains, in re-constructing this line with Hamilton's standards and Brooke's brackets and insulators, and it was finished only a week ago.

5. The line is well in sight of the main road, except for five miles from the Poona Office, and in a few places where it runs through hilly country, but these parts can be followed on horse-back or on foot in any season. There are a few decayed top-poles, and some of the brackets are slipping down; otherwise the line is in excellent order, and unlikely to give any trouble for three or four years. Arrangements will be made to remedy the above-named defects as soon as the Overseer of the Division has re-constructed the line Sattara to Mahableshwur.

6. *Sattara to Kolapore*, 76 *miles.*—This line was constructed originally with round teak wood posts in screw piles, with the zinc cap and wooden bracket on top; but it has been so patched up with iron standards, that there is scarcely six miles of line in any part of it with all the supports alike. On the whole, I should say that the standards were in the proportion of 25 per cent. About 100 standards have square top-poles made from the old wooden posts; these are in good order. The top-poles of the remainder of the standards are nearly all English-made, and of course unsound.

7. The whole of this line will be re-constructed during the present working season by Mr. 3rd Assistant Superintendent Westaway, who is now employed on the section between Kolapore and Belgaum. A great portion of the line between Sattara and Kolapore is much too far from the road (from ¼ to ¾ of a mile). These parts will be brought close to the road when the line is being re-constructed, but their removal will add considerably to the work, and probably delay the completion of the line till March or April next.

8. *Kolapore to Belgaum*, 70 *miles.*—This line is now under re-construction with Hamilton's standards and Brooke's brackets and insulators, and will be completed by the end of next month at latest; 40 miles from Belgaum being finished up to this date. The portion re-constructed is a wonderful improvement upon the old line, and does Mr. Westaway great credit. The new line runs close to the road, and is well and securely constructed. Progress on this part has been delayed by the very hard nature of the soil,—there being, in most parts, rock or large stones six or eight inches below the surface of the earth.

9. *Belgaum to Dharwar*, 46 *miles.*—This may be described as an unfinished iron standard line. Mr Duffin was supposed to have re-constructed it in 1863, but he simply re-placed the wooden posts with Hamilton's standards (with Brooke's caps and insulators) wherever he could do so without trouble, leaving the old posts standing at all the angles and in many other places. The first 30 miles from Belgaum is in the state in which Mr. Duffin left it. The remaining 16 miles appears to have been finished since, and, with the exception of the top-poles, is in good order.

10. The top-poles used between the 8th and 29th miles from Belgaum are all square ones, made from the old wooden-posts, these are generally in good order, and may last a year or two longer; the remainder of the top-poles are all English-made, and must be re-placed.

11. The Superintendent of the Circle, and Mr. 3rd Assistant Superintendent Westaway, proposed to re-construct the whole of the line between Belgaum and Dharwar, chiefly on the ground of its being now too far from the roadside; but I am of opinion that nothing more is required now than to secure, or rather to finish, the line as it stands, deferring its removal to the road till entire re-construction becomes necessary. By far the greater part of the line is near the road, and these parts that are away from it can be followed easily on foot or on horse-back in any weather. The re-construction of the line now would be a heavy expense of money and time to little purpose. The Line Officers of the Bombay Circle have already more work on their hands than they can possibly get through by the end of this dry season. I will endeavour to have the line finished, as above described, during this working season.

12. *Dharwar to Bellary*, 155 *miles.*—My report on this section is made from particulars given me by Mr. Sequeira, the Overseer in charge. I could not go along the line, there being no road up to Humpsaugor (90 miles), except 20 miles between Annegerry and Dumbal, and that is in an unfinished state. From Humpsaugor to Bellary there is a good metalled road.

13. Mr. Sequeira has been engaged since February last, except in the rainy months, in re-constructing, with Hamilton's standards, the 80 miles between Dharwar and the Toongbuddra River (the Madras frontier), and has finished 60 miles up to this date. The remaining 20 miles will, it is believed, be finished by the end of next month; 40 miles of this section is fitted with Brooke's brackets and insulators; the remaining 40 miles has no insulation at all, the wire being merely stapled to the tops of the poles. Mr. Sequeira assures me that the whole of the new line is near the cart track. I rode along about three half miles of the new line, and consider it very creditable to Mr. Sequeira. It is well laid out, the angles securely stayed, and the wire as tight as it should be.

14. From the Toongbuddra River to Bellary, 75 miles, the supports are masonry pillars 16 feet high and about 2 feet square all the way up, the wire being held in stone blocks on top. These pillars are planted out of a straight line, and in curves, and the angles are unsupported. About 300 of the masonry supports, in different places, have fallen down and been re-placed by iron standards with English top-poles, fitted with Brooke's caps and insulators. The greater part of the line is out of sight from the road.

15. The whole of this 75 miles of line requires re-construction, and an estimate for the same is now before you; but as it would not be possible, with the Establishment at my disposal, to finish the line this season, I purpose to repair it for another year by re-placing the 300 English top-poles of the standards now in use, and by putting up about 200 more standards in place of the worst of the masonry piers. This may be done with a little exertion by May next, and the line will then be secure for the rains. The entire re-construction of the line would occupy one Officer at least six months, as the line has to be removed as much as three or four miles in some places to bring it near the road or track.

16. *Belgaum to Vingorla*, 75 *miles.*—I have travelled along the road between these two Stations, but saw nothing of the line except about six miles at each end, in those places I could only catch a glimpse of the posts. From the particulars I have received from the Vingorla Assistant and his Line Runner, it appears that the line runs through forest and jungle, at distances varying from ¼ to 1½ a mile, from the route marked out for a new road; that the old wooden posts are in the worst possible state, being so rotten that the least strain on the wire pulls them down; and that the top-

poles, of about 40 standards, put in room of wooden posts, have fallen to pieces, and been re-placed by common sticks and branches of trees cut in the jungle. The English top-poles have literally rotted away piece by piece, till there was not sufficient left to keep the wire out of contact with the iron standards. The Runner states also that the wire is hanging in many places only four or five feet above the ground, and that he dare not attempt to strain for fear of injuring the posts.

17. The Superintendent, Bombay Circle, intended to re-construct the whole of this line during the present season; but to do that would be simply impossible, as the carriage of stores alone would occupy three or four months, and the removal of the line to the side of the road would occupy at least six months more. The only way to ensure communication for the next rains is to patch up the line as it stands, by planting about 300 more standards in place of the worst of the old posts, fitting new top-poles to the standards, cutting away jungle, and straining the wire out of harm's way. It is of so much importance that this work should be done on an early date that I will commence it, in anticipation of your sanction, immediately I am able to transfer an Assistant Superintendent from the Guzerat line.

18. *Signal Offices.*—Offices at Poona, Sattara, Kolapore, Belgaum, and Dharwar, I found in a very unsatisfactory state, all being in want of the most necessary stores, and the Signallers allowed to do at the instruments almost as they liked. Not one of the Offices has been able to bring the stone jar batteries into use for want of earthen tubes. These batteries were sent round from Calcutta early this year, and were ordered to be brought into use on the main lines before the rainy season commenced, but no sanction has been given to the Assistants for the purchase of tubes, although applications were submitted some months ago.

19. At Poona I found the Office badly arranged, the servants dirty and careless, and the Signallers under little or no control; at Sattara the Office connections in an insecure state, and the Assistant occupying quarters at an inconvenient distance from the signal-room; and at Kolapore the Signallers ignorant of their duties, and unable to read more than six or seven words.

20. The Belgaum Office I found in a most neglected state; the house out of repair; the signal-tables old and ricketty; the chairs nearly all broken; the almirah and cash chest the same; instruments so much worn and broken, that it is a wonder how they are kept working at all; only one Galvanometer in the Office; stores of all kinds wanting, and not one farthing allowed the Assistant for contingent expenses.

21. Mr. 4th Assistant Superintendent Fleischer has been in charge at Belgaum for the last six weeks, but has not been able to do much towards putting things in proper order for want of money and stores.

22. The want of stores, as above stated, has caused much inconvenience and discontent all along the Deccan and West Coast Lines; but the chief cause of the delay in the transmission of messages for the last four or five months, and particularly in September and October, has been the wilfulness of the Belgaum, Dharwar, and Sattara Signallers, who have got into the habit of disputing at the instruments, and stopping work altogether whenever any thing occurred among them. Old Signallers have either refused to work with young hands, or signalled faster than the latter could read; and the young hands have caused trouble and annoyance by their inability to adjust their instruments. Of course the Assistants in charge are greatly to blame for this state of affairs, but I consider the chief cause to be the want of proper control from the Superintendent's Office. The Assistants and Signallers have been left to themselves so long that the irregularities described have grown upon them, and it is now difficult to make them understand that they have been doing wrong. Little or no notice has been taken of log extracts and indents, and other applications for stores have been kept for months in the Superintendent's Office without meeting with the slightest attention.

23. The whole of the Superintendent's time appears to be taken up with bills and accounts, and nearly every thing else in the Circle has been more or less neglected. I should be sorry to charge Mr. Wickham with neglect of duty; but I think he ought to have represented the inconvenience to the Department, caused by his being so much occupied with accounts, and asked for assistance to enable him to pay full attention to other matters.

24. I shall be able to make some improvement in the working of the Circle by keeping the 1st Assistant Superintendent in Bombay to assist Mr. Wickham, and by taking the examination of the log extracts into my own hands; but I question whether it will ever be possible to control the West Coast Lines and Offices (Belgaum through Vingorla, Goa, Margao, Karwar, and Coompta, to Coondapore) efficiently from Bombay. They are much too far off to be under observation by Telegraph; and, under present arrangements, it is scarcely possible to inspect them more than once a year. If a West Coast Circle is formed, these lines would, I suppose, be absorbed in it; but if they are to remain a portion of the Bombay Circle, it will be necessary to appoint another 1st Assistant Superintendent specially to attend to them.

From A. M. MONTEATH, ESQ., Under Secy. to Govt. of India, Home Dept., to Director Genl. of Telegraphs in India,—(No. 1302, dated 9th February 1866.)

I am directed to acknowledge the receipt of your letter No. 2426, dated the 19th ultimo, forwarding an extract from Mr. Bailey's Report on the Bombay lines which have not already been reported on.

2. In reply, I am directed to state that the general condition of the lines, as described by Mr. Bailey, appears to the Governor General in Council to be very unsatisfactory.

3. The remedial measures proposed by Mr. Bailey, to which you have already given a provisional sanction, are approved. If Mr. Bailey's anticipations are realized, the four lines noted on the margin* will apparently be brought into good order during the present working season; but the remaining lines, as per margin†, can only, it seems, be repaired in a more or less temporary and incomplete manner,—the more thorough re-construction required for the greater portions of the two first-named lines and for the whole of the third line being unavoidably postponed owing to the impossibility of accomplishing the work this season.

* Bombay to Poona.
Poona to Sattara.
Sattara to Kolapore.
Kolapore to Belgaum.

† Belgaum to Dharwar.
Dharwar to Bellary.
Belgaum to Vingorla.

4. If the cost of the measures now sanctioned cannot be brought within the sanctioned Budget provision, application should be made by you for the additional funds which may be required.

Re-organization of the Telegraph Department.

The correspondence on the above subject which is published below originated, it will be seen, in a letter* addressed by the Government to the late Director General of Telegraphs, in July 1864, in which, after referring to the many complaints of the defective working of the Telegraph, attention was invited to the necessity of considering whether there were any measures of improvement which might be likely to promote the practical efficiency of the Department.

* Marked A.

The next document† contains the orders passed by Government on the report received from the late Director General, in April last, in reply to the reference above-mentioned.

† Marked B.

The views of Government in regard to the proposed revision of the tariff for messages were communicated to the late Director General in this letter with orders for a further consideration of

the matter by a Committee, including among its members representatives of the East Indian Railway and the Eastern Bengal Railway.

Instructions were also given for the submission of further information and for further consideration in respect of the measures proposed for the improvement of the Signalling Establishment and for the revision of the other grades of the Departmental Agency.

The next document* contains the orders of Government for the revision of the tariff of charges for messages sent by Telegraph.

* Marked C.

The next two documents† contain the proposals made by the Director General in October last for the general re-organization of the Department, and the orders passed by the Government thereon.

†Marked D. & E.

In the letter of 17th June 1865 (B), the Signalling Branch of the Department was indicated as "the one which needs chiefly to be looked to:" and the scheme proposed by the Director General and sanctioned by the Government provides for a scale of salaries for Signallers, varying on first appointment from Rs. 30 to 60 a month according to qualification, up to a maximum of Rs. 195 a month.

Additional allowances varying from Rs. 20 to Rs. 80 per month are also given for the charge of Signal Offices; and further percentage additions to salaries are allowed in localities (such as Pegu, Bombay, and Sind) where the expense of living is exceptionally great. Signallers are likewise to be provided with furnished house accommodation and with a uniform, and it is proposed that whenever practicable, they should be allowed to draw rations from the Commissariat Department on payment of their value.

These measures, together with the steps about to be taken for the establishment of Training Schools for Signallers, will, it is hoped, result not only in an improved class of Signallers, but also in retaining them in the service of Government. For, though the present average salary of the revised establishment is stated to be only about Rs. 64 per month, it is to be observed that this low average is entirely due to the disproportionately small number of Signallers at present in the senior grades, to which the higher salaries of the sanctioned scale are attached, and that the average rate of pay will probably be nearer Rs. 100 a month, whenever the Signallers come to be distributed in fair proportions between the higher and the lower grades, as it is hoped will, before long, be the case.

A.

From E. C. BAYLEY, ESQ., Secy to the Govt of India, Home Dept, to Director Genl of Telegraphs in India,—(No. 1344, dated Simla, 13th July 1864.)

The efficient working of the Telegraph in India is daily assuming such great importance both to the public generally and to Government, and there are justly or unjustly so many complaints of its defective working, that the Governor General in Council is desirous to invite your attention to the necessity of considering whether there are any measures of improvement which may be likely to promote the practical efficiency of the Department.

2. It may be, for example, that a closer and more effective supervision over both the Lines and the Offices might produce results which could not be obtained in any other way save at a much larger cost. The Directors' Circles as now arranged are certainly very large, and under them again there are several Superintendents of smaller Circles. Whether this existing constitution of the Department could be advantageously changed by some re-arrangement which would place Officers in charge of small Circles directly under the Head of the Department, and directly responsible to him,—but in this case, of course, vested with larger powers than the present Superintendents of Circles, and probably receiving a superior rate of pay,—seems a point which deserves careful consideration.

3. If either in this or any other direction you should deem it expedient to propose changes involving increased expenditure, you will, doubtless, see the necessity of examining fully the entire working of the Department, with the view of determining whether such additional expenditure can be met either by reductions in other directions, or by increasing the scale of charges. Your attention, I am to observe, was drawn to the latter point (among others) in my letter No. 986, dated 9th February 1863, to which no reply has been received from you.

4. I am desired to request that you will now give your earnest attention to the entire subject, and that you will submit your reply as early as possible.

B.

From A. M MONTEATH, ESQ., Under Secy. to the Govt. of India, Home Dept., to Director Genl of Telegraphs in India,—(No. 1626, dated Simla, 17th June 1865.)

I am directed to acknowledge the receipt, on the 12th April, of your letter No. 2939, dated the 1st February, reporting on the defective working of the Telegraph Department, and on the measures required for promoting its efficiency.

2. The report is a reply to a call made upon you last July.

3. Regarding the promotion of the efficiency of the Department, you state that the steps taken towards the re-construction of temporary and permanent lines, as well as the measures adopted for remedying the great evil of defective insulation, have already produced improvement in the working of some lines, and afford ground for expecting a still further and more general improvement as the operations now in progress advance towards completion. You further report upon the expediency of other measures required to place the Department on a satisfactory footing. these measures may conveniently be enumerated as follows, viz:—

I.—Revision of the rate of charge for messages, with the view of raising the receipts of the Department.

II.—Improvement of the Signalling Establishment.

III.—Improving of the upper grades of the departmental agency, viz., Directors, Superintendents, Assistant Superintendents, Inspectors, and Overseers.

4. Respecting these several points remarks will now be made; and it is desired that the further treatment of each of them by you may be separate and distinct.

5. The two first points in the enumeration given above are regarded by the Governor General in Council as by far the most important: and it is particularly necessary that, in dealing with each of them, no delay whatever should be allowed to take place. To this necessity His Excellency in Council desires me strongly to draw your attention.

6. The question of increasing the receipts of the Department by a revision of the rate of charge for Telegraph messages was one of the points especially indicated for your consideration in the orders of July last. and the facts brought forward in your present letter, respecting the extent of the deficit* of present income, as compared with present working expenses; the necessity of incurring a still larger expenditure, with the view of providing a more efficient working establishment, and the smallness of the present rate of charge for messages, as compared with rates adopted in the Telegraphs of other countries, strongly support the expediency and propriety of a considerable increase in the scale by which at present the charge for messages is regulated

	Rs.
* Present annual income	... 9,36,000
Present working expenses	. 14 23,000
Deficit	... 4 87,000

7 In providing for this object, the first question for consideration is the measure of increase which it may be proper to adopt as the basis of the revision; and on this point the Governor General in Council thinks that the new rates should be calculated to produce, on the assumption of the present number of messages, an increase in the receipts of from 25 to 33 per cent. on the existing amount of the receipts, so as to make the Department, after giving it credit for the amount received for service messages, self-supporting.

8 The next question is the precise form which the required revision of rates should take, and on this point you make the suggestions noted in the margin. You further point out that the present method of charge in the direct ratio of distances is "radically defective," inasmuch as the transmission of a message over a longer distance does not involve a *proportionately* larger cost to the Department, owing to the fact of there being "certain fixed departmental expenses common to all messages alike, whatever their length or the distances over which they have to be conveyed." You therefore propose that the revised scale should be based on one or other of the two following systems, viz.:—

(1.) To reduce the number of "free" words, in assimilation to the practice in force on the Indo-European line, and on the lines worked in accordance with the rules of the Brussels Convention

(2.) Instead of charging, as at present, for each word in excess of a given minimum, to substitute the system of charging by groups of words—the groups proposed to be adopted being one of 20 words.

(3.) Instead of charging, as at present, by direct distance, to charge according to the shortest distance along the Telegraph line by which it is possible to convey the message.

(1.)—To have a fixed fee representing the fixed expenses common to all messages, supplemented by a distance charge, representing the relative expenses of messages over different distances; or,

(2.)—To have a Polymetrical Table of charges between all offices,—the charges being calculated in the most equitable manner possible, with reference not only to the fixed expenses common to all messages, and the varying expenses dependent on distance, but to the local traffic and paying character of each line.

9 The Governor General in Council is inclined to regard the several changes indicated on the margin of the preceding paragraph as advantageous; and as between the alternative methods of charge quoted in the concluding part of the paragraph, he would express a decided preference for that which contemplates the levy of a fixed fee, together with a distance charge on the ground not only of the more ready means which you think that mode will afford to the public for the calculation of the cost of messages, but also of the comparative ease with which it can at once be made available, and of the greater facility with which it can, if necessary, be hereafter modified to meet any alteration of circumstances which may arise The fact that the Polymetrical Table would, as stated by you, require three months for its preparation, and that any future alteration of rates, and even any future increase in the number of Telegraph Offices, would require extensive alterations, if not a re-construction of the Table, seems indeed to the Governor General in Council almost to preclude the consideration of that method of regulating the charges.

10. Having regard, however, to the interest of the general community which is involved in the revision of the rates of charge, and in the selection and elaboration of a really good system as its basis, and also to the relation which it may be found expedient to establish* between the tariffs of Government Telegraph lines and those of Railway or other private Telegraph lines, the Governor General in Council thinks that the subject will be dealt with most safely by a Committee, in which representatives of the East Indian Railway and the Eastern Bengal Railway might be associated as members with yourself and one other Officer.

* Vide this Office letter No. 986, dated 9th February 1863.

11. Steps will accordingly be taken at once for nominating a Committee, of which you will be President, for the above object; and a copy of the preceding remarks, so far as they relate to the revision of the rate and system of charge for messages, together with a suitable extract from your report, will be communicated to the Members of the Committee, with such general instructions respecting the scope of their deliberations as it may be deemed necessary to give.

12 Meantime, I am desired to request that immediate steps may be taken for preparing and putting in a readily available form such departmental statistics as the Committee are likely to require, as well as all necessary information, so far as it may be available, respecting the rules and practice, on the points under notice, recognized in European Telegraphs, and particularly in the Indo-European line. As it is of great importance to obtain a speedy decision of the question of the mode and rate of charges, the Committee will submit their report as soon as possible.

13. The second point in the enumeration given in paragraph 3 of this letter has reference to the improvement of the Signalling Establishment. The Governor General in Council thinks that this branch of the Department is undoubtedly the one which needs chiefly to be looked to: and His Excellency in Council regrets to observe that there is no part of your report more unsatisfactory than that in which you treat of this branch, for no specific information is given either as to what exists, or what is proposed for the future.

14. You are requested, therefore, at once to submit a statement showing the grades into which the present Signalling Establishment is divided, with the salary of each grade, and also the grades and salaries which it is proposed to substitute. The Governor General in Council cannot sanction any such general and indefinite arrangement as that indicated in your 68th paragraph; and it seems certain to His Excellency in Council that the service will be more attractive if there are fixed classes with fixed salaries, so that all may know what they have to look to.

15. The third point among the subjects mentioned in paragraph 3 of this letter has reference to the increases proposed by you for the grades in the Department above that of Signallers. The Governor General in Council is inclined to agree, to a great extent, in your recommendations for increased pay, but it is not satisfactorily shown that the offices of 'Director' and 'Superintendent' are both necessary Your reply on this point (paragraphs 33 and 34) is entirely insufficient. In the absence of any proof to the contrary, it may not unreasonably be suggested that given a proper office establishment (which is of course an essential requisite) the Director General should find no difficulty in superintending directly fifteen subordinate offices, if these offices are themselves filled by competent and trustworthy persons. The maximum salaries of the present three Directors amount to Rs. 3,500 per mensem; and if this sum were devoted to improving the position of the Superintendents, and strengthening the Director General's Office, there would be no occasion for the further large increase of Rs. (400+1,650=) 2,050, proposed by you in respect of these establishments. A further and clearer explanation, therefore, as to the necessity of retaining the office of Director is required; and I am desired to point out that what is wanted is some precise account of the duties which the Directors now actually perform, and a precise statement of the grounds on which you hold, that those duties cannot be devolved partly on the Director General's Office, so far as they relate directly to the control and supervision of the Superintendents, and partly on the Superintendents, so far as they relate to the direct control and supervision of the Telegraph Offices and Lines.

16. Respecting the proposed revision of the grades of Assistant Superintendents, Inspectors, and Overseers, at an aggregate increase of Rs. 12,461-3-3 per mensem, the Governor General in Council, I am to say, does not doubt the expediency of improving the position of these classes, and he will be disposed to view their case favorably in the event of its being found possible to meet the additional expense by an adequate increase in the receipts of the Department.

17 In regard to the remarks made in the 71st paragraph of your letter respecting the abolition of unremunerative offices, and the reduction in the number of continuous service offices, I am desired to request that definite proposals may be separately submitted without delay regarding such offices as you consider it possible and desirable to reduce.

C.

From E. C. BAYLEY, Esq., Secy. to the Govt. of India, Home Dept., to Offg. Director Genl. of Telegraphs in India,—(No. 2450, dated Simla, 2nd October 1865.)

I am directed to acknowledge the receipt of your letter No. 1036 of the 5th July, submitting the proceedings of the Committee appointed to consider the revision of the system and rates of charge for Telegraph messages.

2. In reply, I am directed to convey the approval of the Governor General in Council to the modifications noted on the margin.

(1.) To reduce the number of free words, in assimilation to the practice in force on the Indo-European Line, and on the lines worked in accordance with the Rules of the Brussels Convention.

(2.) Instead of charging, as at present, by direct distance, to charge according to the shortest distance along the Telegraph line by which it is possible to send the message.

(3.) That peons shall not go more than five miles from the Telegraph Office, and that a fixed Booking fee shall be charged in lieu of all after-payments for peon hire, &c. A longer distance would be sent by post, unless otherwise arranged and pre-paid for at Booking Office.

(4.) That words shall be charged for by groups—a group to consist of twenty words, groups to be sub-divided into half groups. The first group to be charged at a fixed rate and additional words to be charged by half groups.

(5.) That the scale of charges per group of twenty words should be as follows:—

		Rs.	A.	P.	
Not exceeding	100 miles ...	0	8	0	In addition to the Booking-fee levied under No. 3.
"	200 " ...	1	0	0	
"	400 " ..	1	8	0	
"	800 " ...	2	0	0	
"	1,200 " ..	3	0	0	

and so on, adding one Rupee for every additional 400 miles

Of these Nos. 1 and 2 are identical with the Resolutions formed by the Committee at their meeting of the 31st July.

No. 3 corresponds with Resolution I. of the next day's proceedings, with the addition of the words forming the last Clause of Resolution IV. The words in question, though placed by the Committee under Resolution IV., appear to belong rather to the subject of Resolution I., and are understood to mean that a message directed to a place more than five miles distant from the Office of Delivery, will be sent by post "unless otherwise arranged and pre-paid for at the Booking Office." It will be necessary for you, of course, to settle the terms on which arrangements of the kind alluded to can be made.

No. 4 corresponds with the next Resolution of the Committee (I.), save that the words "half groups" have been substituted for the words "quarter groups." The Governor General in Council is of opinion that it is better to charge for messages exceeding 20 words by the half group instead of by the quarter group. This is the practice on the Indo-European Line, and His Excellency in Council sees no reason why it should not be adopted in India. It will be simpler in operation, and will also be more profitable.

No. 5 corresponds with the last Resolution of the Committee, omitting the last clause (which has been incorporated, as above stated, in No. 3) and adding at the foot of the table of rates the words "and so on, adding one rupee for every additional four hundred miles;" some such addition as this is obviously necessary to complete the table of rates.

3. In consenting to the above arrangements, the Governor General in Council has had regard to the expectation entertained by you that they will produce an increase in the receipts of the Department, of "not less than 35 per cent;" and this estimate, so far as can be judged from the statistics which accompany your letter, would appear to be rather within than over the mark.

4. As regards the pre-payment of Telegraph messages by *stamps* instead of by cash, I am directed to observe that that is a separate question not necessarily connected with the revision of the tariff, and that, in the opinion of the Governor General in Council, it will be more convenient to deal with it separately. A further communication on the subject will be addressed to you hereafter.

D.

From LIEUT. COLONEL D. G. ROBINSON, R. E., Offg. Director Genl. of Telegraphs in India, to Secy. to Govt. of India, Home Dept.—(No. 171 A, dated Landour, 18th October 1865.

As promised in previous correspondence, I have now the honor to report on what I conceive to be necessary for making the organization of this Department really effective.

2. The objects to be arrived at are clearly—

1st.—To remove all extra friction.

2nd.—To maintain an effective and complete administrative and executive Staff at the least possible cost.

3rd.—To obtain prompt and accurate audit of expenditure by the simplest possible means.

3. To obtain the *1st*, I propose to reduce the number of channels of communication to a minimum, and for this purpose to abolish the post of Director.

4. For the *2nd*, I propose that Superintendents shall correspond direct with the Director General, and that they be vested with powers and duties approximating to those of Superintending Engineers, or Post Masters General; to relieve them of all compilation or audit of accounts; to make their principal business that of direct and active inspection and supervision; and to make the accounts of the Line Officers as simple as possible.

5. For the *3rd*, I propose to classify all expenditure under two heads,—Personal and Material.

6. All expenditure for salaries or personal allowances of any kind, in which the Director General or the Department can be considered to have any personal interest or bias, is *personal*, and should be audited, as at present, by the Examiners of Claims and the Auditor General. All expenditure for construction, works, &c., rom which no member of the Department can derive direct advantage, should be compiled and audited in a Central Office of Accounts, organized somewhat similar to that of the Public Works Department. Personal expenditure should be further sub-divided into its permanent and variable elements. Permanent expenditure, such as salaries and allowances, upon which there ought to be no retrenchment, should be paid on "presentation of bill." Variable charges open to retrenchment, such as contingent bills, should be audited before payment by the Director General, who is the fittest person to judge of what is, or is not, legitimate expenditure.

7. I would divide the Staff into an upper and lower branch. The superior branch should contain none but gentlemen by education and feeling, whose promotion, posting, &c., would appear in the *Gazette of India*; the subordinate, of men selected from the Signallers, good Non-Commissioned Officers from the Army, or other of the artizan class.*

8. I would give increase of pay every two years; but, as an encouragement to zeal and activity, I would shorten the period for the very deserving, and lengthen it for those who did not give satisfaction.

9. To secure promptness in every branch, Executives must understand their work; hence the Compiler of Accounts, the Assistants in the Director General's Office, the Message Check Office, the Store-keeper's Office, the Foreman of the Workshop, in fact every one but the mere Copyists, should be Departmental. Returns should be as few and as simple as possible, and all proceedings should be regulated by a Code or Manual, divided into two parts: Part I. should define the powers and privileges of the various Officers of the Department; Part II

* This would not bar deserving men rising from any grade in the subordinate to the highest posts of the superior branch, provided they were qualified by education and good service, and possessed the power of commanding respect and obedience from their subordinate

should refer to professional matter regarding the instruments, &c.

10. To simplify the checking of cash collections, examination of messages, and other work performed by the Check Office, I propose an establishment which will fluctuate with the number of messages received.

11. I propose to abolish all allowances for house rent, except at the Presidency of Calcutta, and one or two other sanctioned exceptional places, giving increase of salary in lieu thereof, which will improve the status of the members of the Department without any very large increase of expenditure.

12. I propose to make the accounts and returns of the Line Officers as simple as possible, leaving their compilation to skilled Accountants; to modify the nomenclature of the ranks to one more suited to the work and the duties of the Executive, and to arrange the salaries on a scale which will work more evenly, and consequently more fairly than that now existing; to increase the staff of that useful class now called Overseers, and to make the position of the Signallers more respectable, not so much by increased pay as by more generous and considerate treatment with regard to the quarters provided for them, and by the creation of an *esprit de corps*.

13. The modifications of nomenclature, which I recommend, are—to call the 1st, 2nd, and 3rd Inspectors, 2nd, 3rd, and 4th Assistant Superintendents; the present Overseers, Inspectors; and the present Assistants and Deputy Assistants in charge of Signal Offices, Telegraph Masters and Deputy Telegraph Masters. The sanction of Government has already been given to the 1st proposition (Home Office No. 2216 of 20th September 1865);—"Inspector" is clearly a more appropriate name for an Inspecting Officer than Overseer, and "Telegraph Master" than Assistant in charge, besides being shorter to telegraph, and to write. It also accords with "Post Master," "Station Master," &c.

14. To establish *esprit de corps* there must be some bond of fellowship, and on this subject Mr. Mansfield, the Commissioner of Sind, has offered some happy suggestions, from which I avail myself to recommend the adoption of a uniform for all grades as is the custom on the Continent of Europe. Marks for good conduct, medals and rewards for continuous good conduct, and special rewards for showing a good knowledge of electricity, and for passing in foreign languages.

Powers, functions and qualifications of the Staff of the Department.

15. I now proceed to detail what I conceive should be the powers, functions, and qualification of the different members of the Department.

16. Formerly, when the Department was small, the Director General used to pass contingent bills up to Rs. 500; of late years this has been virtually withdrawn.

Director General should have large powers to audit.

17. Instead, however, of limiting his audit to Rs. 500 only, I propose to give him the same powers in this respect that the Surveyor General and Superintendents of the Revenue and Trigonometrical Survey possess; and for these reasons, viz., that the Director General is the most competent person to judge of what contingent charges are, or are not, reasonable; that in 99 cases out of a hundred the greater the responsibility, the greater the care bestowed; and that as in the instance of the Survey Department the interest of Government have always been most jealously guarded, there is strong *primâ facie* evidence that Government will serve their own interests best by making the "passed" under signature of the Director General a final audit, except as regards clerical errors.

Examination of estimates.

18. The examination and check of the estimates for construction and repairs, now in the first instance performed by Directors, if Directors are abolished, will revert to the Director General, who has now the preparation of the Budget and English Estimates, the posting of all members of the superior grades of the Department, and the general control of the Department, and an enormous amount of correspondence, which will be largely increased, as he will have to deal direct with 14 to 20 Superintendents instead of through three Directors; there will also be great increase of work in an infinity of minor matters connected with the internal economy.

General control.

Tours of Inspection.

19. I consider also that it is of the first importance that the Director General make occasional extended tours of inspection; on this I cannot lay too great stress, for it is the general opinion of the public, as well as of the Department, that lack of inspection and personal knowledge of the members of the Department, of the lines and of the Offices, on the part of the Director General, is one of the greatest reasons why the machine has not worked more glibly.

20. The Directors and Superintendents are theoretically the eyes and hands of the Director General; and where the Superintendent is zealous and capable, but little interference will be required. Unfortunately, however, mortal man is not faultless. Some Superintendents maintain great discipline, whilst their accounts are in almost hopeless confusion; others devote themselves to their accounts, and never see their lines and Offices. Remarkably few approach perfection; if they did, there would be small need of a Director General. One man is able and vigorous, but captious or unreasonable, and cannot therefore be satisfied; another is prejudiced, another inconsistent, or impolitic; and many too indolent, or too good-natured to keep their subordinates up to the mark. Hence, however excellent the theory may be, it is indisputable that practically the visions of subordinates not only differ *inter se*, but do not produce the same effect as the master's eye. The Director General may, as hitherto, sit at the top of a three storied house, and blindly and theoretically administer through the eyes of his Superintendents, but practically he cannot avoid injustice, and maintain uniformity or efficiency unless he has a fair knowledge of the tools and machinery he has to work with,—and this he can only obtain by tours of inspection.

Necessity for a Deputy Director General.

21. But it is clearly beyond the power of one man to perform all these purely ministerial duties, in a prompt or efficient manner unassisted. The Director General must, therefore, have a Deputy to assist in the administration, in addition to his scientific adviser *(necessity for whom I am not yet prepared to advocate, though the idea of having one seems sound.)*

Deputy Director General's duties.

22. The Deputy Director General should be the *alter ego* of the Director General, as regards the ministerial offices. When both are at Head Quarters he would assist in all current work, especially in the examination of estimates, bills, &c.; replies to applications for admissions, petitions, &c., (very numerous.) His special business would, however, be to look after the Head Quarters Office when the Director General was absent, and to go on tour when the Director General found it inconvenient to do so. His signature to contingent bills, estimates, and returns, should be taken as equally binding with that of the Director General, but he should not be considered competent to issue Departmental orders, or in other ways interfere in the administration of the Department. Even on inspection duty, he would report for orders to the Director General any serious matters that came to his notice.

Duties of Deputy Director General.

Superintendent's duties and power

23. The functions of the Superintendent should approximate very nearly to those of a Superintending Engineer of the Department of Public Works,* and if not superior, his power should be equal to that of the present Directors. He should correspond direct with the Director General. He should be authorised to sanction urgent repairs to the extent of Rs. 1,000, and ordinary repairs to Rs. 250, for one item. All changes and postings of Signallers should be made by him, or through him; all internal ar-

Duties of Superintendents

* *Vide* General Rules for Department Officers, "Public Works Code."

rangements of his Circle should devolve on him, *subject to confirmation.* He should apply for the letters-of-credit required for each Line Officer of his Circle, and countersign all bills—contingent, variable, or constructive; *but he should not be expected to audit or compile the accounts connected with them,* as is now the case.

24. At the commencement of each Financial year he would be informed of the Budget Grant for his Circle, and be responsible that the grant was not exceeded; the only accounts he would keep, would be for his own and his personal Establishment salary bills. The examination of the cash collections by him is useless, and may be discontinued. He should carefully criticise and countersign all the estimates for repairs, all plans for buildings, &c., all returns; and submit in one schedule all the revised estimates of his Circle.

25. From this it is clear that my wish is that his special duty be, direct personal supervision of everybody and everything connected with his Department in his Circle, and to free him as much as possible of Executive or Office work.

Responsibilities.

26. He would consequently be held responsible for the system, accuracy, and neatness, with which all the Departmental accounts, books, and returns were kept; for the state of the lines and Offices, for all changes and postings within his Circle (of which he would advise the Civil Auditor and Director General), and for the maintenance of discipline. His powers of punishment should be regulated by a Code based on Circulars already issued.

Superintendent's tours of Inspection.

27. He would make a tour of inspection at least once in every six months. Those undertaken in the cold weather should be by easy stages along the line, every portion of which should be examined as he travelled; those in the hot months by dawk, would be more particularly for the inspection of the Offices and those parts of the line where it was needed. On these tours he should keep a Diary, in which he should enter the place he halted at, and what he had observed during the day; and, on conclusion of his tour, he would frame a Report from this Diary, which he would submit to the Director General with the original Diary. An average of 1,000 miles of line and Offices is quite enough for any one Superintendent.

Number of Superintendents required.

28. The Personal Assistant, Store-keeper, Head of the Cash-checking Office, and of the Central Office of Accounts, should be either Superintendents on the regular Establishment, or graded with them. The Establishment of Superintendents should therefore be as follows:—

Superintendent, Store Department	1
Personal Assistant to Director General ...	1
14,271 miles of line (Superintendents) ...	14
Head of Cash-checking Office	1
Controller for Central Office of Accounts* . .	1
Total ...	18

29. The number of Line Superintendents should vary with the length of line, an additional Superintendent should be given for every extra thousand or fraction above five hundred miles.

Assistant Superintendents.

30. At present the sanctioned number of Assistant Superintendents of all grades is (103) one hundred and three (*divided into four Classes*). This does not include Inspectors.

Arrangement for Senior Grade being fixed in number, and Junior Grades fluctuating according to length of service.

I propose to promote all, who are not undeserving, periodically; to shorten the period for those who are very deserving; whilst promotion would be withheld from those who give dissatisfaction. By this arrangement the numbers of the grade of, and above, Superintendent would be fixed; whilst the numbers in each class of the Assistant Superintendents would vary with their lengths of service, combined with good conduct.

* Possibly not Departmental.

31. This arrangement for a young and small Department, officered by young men of almost equal service and claims, is evidently more just than that which now exists.

Bad effects of present system.

32. Under the present organization a few days' seniority, or the good luck of having attracted the attention of their superiors, has the most vital effect on an Assistant Superintendent's future advancement. The Directors who draw Rs. 800 a month are very little senior to many almost equally good men, who are drawing only Rs. 250 a month. Promotion on the present system must be cruelly slow; 15 years hence it will be too fast; it never can be regular, though time will ameliorate the evil.

Duties of 1st Class Assistant Superintendent.

33. All heavy works of construction or of re-construction, and all repairs, should devolve on Assistant Superintendents of the 1st Class; when not so employed, they should assist in the inspection and Office duties of large and important Circles, and in the Office of the Director General, or Central Office of Accounts, &c. They should be considered as in training for the post of Superintendent, and employed accordingly. They should not rise by right of seniority to be Superintendents, but be promoted for ability, zeal, and good business habits; at the same time seniority should be considered to give great claim, and a good Assistant Superintendent should not be lightly passed over, because a junior was, in the opinion of the Director General, somewhat better.

Rules for promotion to Superintendent.

34. In the natural course of events, there must always be some Assistant Superintendents acting for Superintendents on leave, &c.; and hence each would in turn, whilst so acting, demonstrate his fitness for the substantive appointment.

Duties of 2nd, 3rd, and 4th Assistant Superintendents.

35. Second, 3rd, and 4th Assistant Superintendents also are executive line Officers, employed in keeping old lines in good order, and in construction, &c. Their duties should, indeed, be the same as those of the 1st Class, but in a smaller way; they should not interfere in the Offices, except by order of the Superintendent of their Circle. An Assistant Superintendent should be placed in special charge of a short length of line, 200 to 500 miles, according to its accessibility, and be required to inspect it not less frequently than once in two months. He should forward his Diaries and Reports, on the conclusion of each tour, to the Superintendent, who, guided by these Reports, would issue the necessary orders for petty or urgent repairs within his power to sanction, or make such other arrangements as appeared necessary. Large and important Signal Offices are also placed in charge of Assistant Superintendents.

36. All Assistant Superintendents, are, more or less, Executive Officers, and have to keep accounts. These accounts have hitherto been far too complex, and passed through too many channels. They have effectually prevented that active practical supervision so imperative to efficiency, and at the same time have involved every one connected with them in trouble. By reducing them to the simple form, to be explained under the head of "*Accounts,*" Superintendents will be freed from all compilation, and Executive Officers' labors in this direction will be reduced to a minimum, and hence a more effective administration be obtained from a smaller number of Officers.

Terms on which Assistant Superintendents are to be appointed.

37. Assistant Superintendents should be admitted, as hitherto, on passing a suitable examination either in England or in this country. They should all be bound by the same covenant, except as regards passage to and from England, which would not be given free to those appointed in this country. An Assistant Superintendent should pass in the Vernacular before he gets any promotion; and in Hindoostanee (P. H.), or other local dialect, before promotion to grade of Superintendent.

38. If one Assistant Superintendent be allowed to every 250 miles of lines, we have $\frac{14,250}{250}$.

Assistant Superintendents	57
In charge of important Offices . .	7
Store-yard	2
Head Quarters Offices	2
Special, such as expeditions to Bhootan, new lines under construction	10
Contingent to take the places of those sick, on leave, &c., Acting Superintendents, &c.	10
	88

As the new grade of Inspectors are filled up, we shall manage to work with still fewer, *unless the lines be extended*, as I suppose they will.

Inspectors.

39. I propose to supplement the Assistant Superintendent with a grade of "Inspector" hitherto called Overseers. In 1853-54, sixty men selected from the Army, and trained at *Warley*, were brought out to India as "*Warley Artificers*." Of these, a few have worked hard, educated themselves, and gradually risen into the higher grades; many have died or left the Department, but very few remain. Although not exactly scientific Officers, and hardly capable of undertaking construction without supervision, they are a very useful and economical class of public servants. Instead, therefore, of allowing them to die out, as is now rapidly coming to pass, I propose to recruit this grade largely from deserving Signallers, who will thus have the road to further advancement thrown open to them, whilst Government should reap advantage from their practical knowledge of batteries and instruments, and thorough appreciation of the value of good insulation.

40. If a sufficient number of intelligent well behaved Signallers are not forthcoming, I would accept good Non-Commissioned Officers from the Roorkee College, especially from those who had distinguished themselves in chemistry and other natural sciences. Well behaved men unable to pass the prescribed examinations for Assistant Superintendents, but in other respects desirable candidates, might be taken in as Signallers or as Inspectors, with the prospect of qualifying for admission into the higher grades hereafter. As this is almost an experiment, I would limit the number at first to 50. If it proves successful, fewer Assistant Superintendents will be required; the grade may be extended hereafter, and perhaps thrown open to Natives.

Signallers.

41. I now come to the *Signalling*, the most necessary and important branch of the Departmental Staff. If this be faulty, any amount of care, of money, or thought, expended on lines, and supervision, becomes of no avail. In no other branch is reform so urgently required. Attention has been called to it by the Public Press, the Commissioner of Sind, and many others, most of whom have made suggestions for its improvement, some practicable, some Utopian, but all insisting on increase of salary and the entertainment of a better class of men.

42. This at first sight seems rational enough; but, before accepting this conclusion, it will be well to consider what are the peculiar qualifications which make a good Signaller.

43. Signalling is, at the best, a very monotonous employment. The novelty soon wears off, and the contents of the messages soon cease to be interesting or amusing, however quaint they may be. A Signaller must, therefore, be very patient.

44. Neither is it of great importance that their handwriting should be elegant, a neat fast hand is rarely a clear hand, and what is required in the message is something *unmistakeable*. When some one observed to Commissioner Mayne, (I think it was) that he might get a much better class of men to report the English deaths, births, and marriages, if he would pay higher, he replied, that is just what I want to avoid. -the great, coarse, large text letters of the names sent to me by rural clod-hoppers are unmistakeable, there is no mistaking *e* for *c i*, whereas there would be constant mistakes with pretty running hands. So in the Telegraph Department, Signallers should write down the letters as telegraphed in a large clear round hand, paying little attention to speed or beauty.

Class from which Signallers should be obtained.

45. It follows, then I think, that for more Signallers as Signallers, it it questionable if a better educated superior class will afford greater satisfaction than a patient plodding, steady, unambitious body of men—blessed with delicate perception of sound and touch, and kept honest and contented by paying them well in proportion to their social position and birth, and by giving then a tangible proof of interest being taken in their welfare. The Assistant in charge, Telegraph Masters and their Deputies, must be of superior education, and may be selected as hitherto from the Signallers. As has hitherto been the case, some superior men would probably enter with the hope and prospect of rising gradually to the highest positions in the Department. I see no reason either why the wives and daughters* of Signallers should not also be Signallers. In London women are extensively employed in this way.

Assistants in charge, Telegraph Masters.

46. I am not at present prepared to recommend any large increase of salaries to this branch, but I cannot express how anxious I am to obtain for them more considerate treatment,—a course of action that must produce happy results.

47. *The following measures appear calculated to attain some of these ends at small expense.*

48. *To make their quarters so comfortable that they shall prefer remaining in them to living in the bazars or elsewhere; 2nd, to encourage morality and cleanliness; and 3rd, to establish an "esprit de corps."*

Frequent relief of Signallers.

49. Signallers are, or ought to be, changed constantly. It is not desirable that they, or the Telegraph Masters, should remain long in the same place, especially in large mercantile towns, where speculation is rife and bribes may be offered. There are very few instances on record of Signallers having taken bribes; but I suspect they often ask questions by Telegraph (calling it practice) from a neighbouring station to oblige a friend. This is quite contrary to orders, but almost as impossible to prevent, and as harmless as the non-official remarks or news communicated in demi-official letters under frank. To limit these evils, and to prevent their becoming wedded to a place, as well as to give all a fair share of good and bad stations, Telegraph officials should all be relieved periodically like troops.

Telegraph Offices to be furnished by Government

50. But if men are moved often, they cannot afford to set themselves up at each station. I therefore recommend that each Signal Office shall be furnished by Government with a small quantity of good plain substantial furniture, for which the Telegraph Master should be held responsible. Tatties and chicks should also be allowed, and pecuniary encouragement given for the formation of small libraries of books at each Office.

Training Schools.

51. To encourage *morality* and *cleanliness* a commencement must be made at the foundation. In my letter No. 1115 of the 16th August, I brought the state of the Barrackpore Probationers' School to the notice of the Government, and solicited assistance for its improvement. As mentioned in that letter, sufficient pains are taken to instruct the boys in their profession, but no care whatever is taken to keep them out of mischief during their hours of relaxation. The Master of the School (an East Indian) is the Assistant in charge of the Barrackpore Telegraph Office He receives as remuneration for each Probationer Rs. two per mensem. He has an Office to attend to, and although happy and comfortable enough himself, he has neither time nor inclination to look after the lads, their habits, or their comforts, out of hours.

* We have one Lady Signaller, the daughter of Mr. Assistant Superintendent Knop, Miss Ida Knop.

52. Thus a grand opportunity for implanting good principles into these young lads, which might influence their characters for life, at the very age too when they are most impressible, is lost. In fact there is no school whatever, it is simply a *training class*, supplemented by an adjacent empty bungalow, in which these youngsters may find shelter on the same terms as the pariah dogs, and are, in truth, not one whit more cared for.

53. I propose, in lieu of this, to have a Training School (not class) for each Province under a local Government or Administration. The School-house should be the property of Government, furnished with good strong barrack furniture, found in cooking utensils and establishment, lavatories, &c., all complete, much the same as the Lawrence Asylum. The lads would mess together, and be kept under an almost Military discipline by the School Master, who would live in the same house with them, dine with them, and be as much with them as possible, and be assisted by one or two monitors elected from the lads themselves; these lads should always be in uniform and kept within bounds, attend Chapel at regular hours, and treated as cadets.

54. The School Masters, if possible, educated in England, should be selected from the (new) grade of Inspectors for special aptitude. They would get free quarters and an allowance for each Probationer.

55. The Superintendent of the Circle would be expected to consider the welfare of the School and Scholars one of his most important duties, and the Chaplain to be a frequent visitor, and the chief Civil Authority an *ex-officio* visitor. The lads should be regularly rationed, paying for the same out of their own pay, and be found in uniform, as should all below the grade of Assistant Superintendents, at the expense of Government. The present term of probation is four months. I recommend that it be extended to six,—the additional time would be well spent in moral culture and in acquiring a clear round-hand style of writing (not a running hand), practice with the signal instrument, and an elementary knowledge of electricity and construction; any Probationer who could not send and receive ten words a minute after three months should be discharged. Gross misconduct on the part of a Probationer would involve summary expulsion.

Bengal, N. W. Provinces, Punjab, Sind, Bombay, Rajpoor, Madras, Ceylon, Pegu.

56. At present there is small prospect of the proposed nine Schools enumerated in the margin, producing a sufficiency of Signallers; but if well conducted I think that, in the course of a few years, the supply may exceed the demand, and it may become desirable to abolish some of them.

57. After leaving School and entering Office, Signallers would still be under control of the Telegraph Masters, and, besides being deterred by fear of punishment from misbehaviour, they should be encouraged to be steady by rewards, which should be partly pecuniary, partly honorary.

Offices.

58. The Offices should be the property of Government, and pucka. The practice of renting a bungalow is inconvenient; besides in other respects objectionable, the owner may raise the rent, or refuse to continue to rent it,* or it may catch fire costing the Government its value, and the value of the instruments and records. Government, through the Department Public Works, has built some, and is building more.

59. The size and plan of the house must depend on the climate, the number of Signallers to be accommodated, and the number of instuments. It should be commodious enough to admit of a small ante or receiving room, a signal-room, battery-closet, sitting, bed, and bath-room, for the Telegraph Master (Assistant in charge); one room for Deputy Telegraph Master (where one is required), not less than (60) sixty superficial feet of bed room to each Signaller, one bath-room to every four Signallers, and a mess or sitting room containing not less than 40 superficial feet for each Signaller. A spare room and a bath-room for the temporary accommodation of the Inspecting Officers, *but no permanent accommodation for any Line or Supervising Officer*, as has hither to been the practice at some stations. *A strong box for cash should be built into the wall of the signal-room in every Office.*

60. The number of Signallers must fluctuate with the number of Offices and amount of traffic, as new Offices are opened, or the traffic increases more men must be granted. If the number be calculated on the basis of (3) three Signallers to each instrument on lines on which the traffic is continuous, two for each instrument where it is less, and one where it is small, each Signaller would have a fair amount of work, and the total would amount to 753, exclusive of 171 Telegraph Masters (Assistants in charge), or 924 in all, vide Appendix A. Add for contingencies, bank offices, special expeditions,* absent, sick, and on leave, en-route to join, or in relief, ten per cent., (less will not suffice), the total number required will be—Signallers 832, Telegraph Masters, 188; total 1,020.

61. The amount of casualties is now 16 per cent. per annum, not including deaths; to meet these 81 Probationers are required, six months being allowed for the completion of a Probationer's education. In time we may hope to make the Department sufficiently popular to largely reduce this percentage; but meanwhile we have, by the last Returns, no less than 185 Signallers wanting to complete the above necessary Establishment, and cannot therefore go wrong in recruiting our Schools to the extent of 185 × 80, to meet casualties to be incurred in the next (6) six months, or 265 in all. At the present moment 105 only are in training.

62. The Line Riders and other office servants should remain much the same as at present, with the exception of the peons, who must be better paid if the service is to be made sufficiently valuable to them, to ensure honesty and celerity in their movements.

Ministerial and Office Establishments.

63. If an organization such as I have above sketched out be sanctioned, Directors' and Superintendents' Office Establishments will be reduced to less than one-half. This saving will provide ample means for the formation of a *Central Office of Accounts*, the precise strength and expense of which I am unable at present to define. At first it must, to some extent, be a matter of experiment, but the expense would certainly be less than the savings accruing from Superintendents' Offices; whilst from the mere fact of the agents being skilled Accountants, with nothing to undo and no other work to divert their attention, compilation of the accounts would proceed more rapidly, systematically, and therefore satisfactorily, than can be expected from executives unfamiliar with book-keeping.

Central Office of Accounts.

64. The accounts of the Superintendent of Stores, the return of annual expenditure, including salaries and other bills paid and audited by the Accountant General, the estimates and budgets, should all be compiled in this Central Office, which should be presided over by a Controller, assisted by competent Accountants.

Superintendent of Stores, Store-keepers, and Store-yard.

65. The Superintendent of Stores occupies at present a false position, he is Superintendent of the Workshops and of the Artificers employed therein, itself a very important duty. He lands stores from ships, ships stores, purchases in the market, checks the estimates for cost of Telegraph material, wire, &c., and has to furnish all the accounts connected with them. His correspondence is enormous; and, as may be at once surmised, he has several lakhs of arrears of accounts, an insufficient check on the workmen and on the disbursements, and in fact can do nothing completely. In addition he has the Printing Press,† which is also inefficient.

66. To assist him he has a practical Engineer, the Foreman, who is responsible for the machinery being in good order, and the work being well executed. This is so far right; but the magnitude of the work-

* As has happened quite lately at Joypore and Gowalparah.

* Such as that contemplated for Bhootan.

† Will probably hereafter be dispensed with.

shops is so considerable,* that another responsible person is required (who should be an Inspector of the new grade) to check the work done. This Inspector should keep a record showing the hours at which the artificers come to work (this is now done), the work they are employed on (not done now), whence to ascertain the cost of each article made up or repaired, record of fines for late attendance, absence with leave, laziness, &c., (half done), and should prepare the monthly returns and pay bills of the Establishment, and make himself generally useful as an Overseer.

67. The Superintendent of Stores has already an Assistant Superintendent to assist him in receiving and disbursing telegraph stores, wire, top-pieces, insulators, instruments of several sorts, stationery, &c., &c., but he must have more aid than this if peculation is to be guarded against. Stores must be classed and made over to Native Store-keepers who must give security. These Store-keepers must be held responsible for the correctness of the stock records. They should issue to, and receive from, the Assistant Superintendent on his signed orders and receipts, but have nothing whatever to do with cash, but simply with quantities of material.

Establishment of small Depôts for petty stores.

68. I propose, too, to make arrangements at each Presidency, or Circle, for a small Depôt, at which spare pieces of telegraph instruments shall be lodged and petty repairs executed. It seems absurd to send to Calcutta for cores (cylinders of soft iron), galvanometers (small coils of wire), and such simple articles which any good Native workman can make up. If all the instruments were precisely alike, as they ought to be, with the parts interchangeable, spare screws, spare springs for the keys, and sundry other simple parts, which wear out with use, could be issued to the Superintendents at the same time as the instruments, just the same as a gunmaker gives spare nipples, spare main springs, &c., with the guns he sells from his shop.

69. It seems also excess of caution to issue all the wooden top-pieces from Calcutta.† There ought to be no difficulty in obtaining them almost anywhere, or suitable wood—sâl in the North-Western Provinces, and teak in Burmah, Madras, and Bombay—all that is necessary is to pass them by a proper Committee and Officers.

70. The accounts of the Store-yard, &c., should be kept in the same simple form as that recommended for Executive Offices, and should be compiled in the Central Office of Accounts, but this will not lead to any diminution in the Store Office Establishment, which is already too small.

71. After making the above changes, the Superintendent of Stores will have his duties reduced to their proper functions. He will have leisure to see how the work is being done; to carry out the many experiments connected with proving insulators, &c., sent out from England; to maintain system and division of labor, i. e., economy in manufacturing; to introduce improvements, look after the accounts, and become, what he ought to be, a Supervisor instead of an Executive.

Check Office.

Check Office must be remodelled.

72. The Office hitherto called the *Complaint* Office, or Complaint, Fault, and Cash Checker's Office, but which I have denominated the *Check* Office, requires an entire re-casting, as recommended by Mr. Kellner nearly three years since.

Establishment should vary with the number of messages.

73. It stands to reason that, for a routine Office in which the work is annually increasing at a rate of from 15 to 25 per cent., a fixed Establishment will not answer, a corresponding increase in the number of Clerks must be made, or the work must fall into arrears at the corresponding rate of from 15 to 25 per cent. per annum. Of late a great deal has been done for accelerating the transaction of business by simplification and printing of forms for letters, accounts, &c., but the limit in that direction has now been reached or nearly so, as regards the complaints and cash checking, whilst nothing whatever has been done for the tracing and discovery of faults, because there is absolutely no Establishment available for the purpose. In fact the *Fault Office* exists only in imagination, the only faults that are discovered being those brought to light when tracing complaints.

74. It follows, then, that, unless a very large increase of staff be granted for these Offices, they will soon be hopelessly in arrears and useless. It is only a few months since that several months of cash collection audit were jumped over (skipped), and the cash checking commenced again, with a clean bill from a fresh date; and already they are in arrears again, and must get more and more so unless a suitable Establishment, varying month by month according to the number of messages received, be granted.

Details of system of checking the Cash Collections.

75. The system pursued in, and the labors and requirements of, the Check Office will be better understood from the following:—The Check Office is divided into three branches:— The "*cash checking*," the "*complaint*," and "*fault office*," all working on the same material, viz., the message drafts, all therefore necessarily in the same apartment, and all under the same Superintendent.

76. The cash collections are checked thus—Certain Clerks calculate from each original message what ought to have been paid on that message, compare it with the receipt, and enter this amount in its proper column "service," "private," &c., in an account book under the proper *dates*. A Head Clerk then extracts from these books, under their proper heads, into another book the sums received on each day for each Office, the amount for the whole month for each Office, plus Peon hire, should equal the sum acknowledged by the Collector as paid into his treasury. One Clerk will calculate and enter 150 to 180 ordinary messages in a day, and one Head Clerk can compile the six Computers' work. To assist in bringing up, removing, and returning to their pigeon holes the bundles of messages, two Sorters are required.

77. The present traffic being an average of 1,350 original messages per diem, 1½ Compilers, 8 Checkers or Calculators, and 2 Sorters, are needed to check the cash collections.

78. *To trace and answer complaints*—A Head Tracer and Repliers to letters, 4 Sorters to fetch the messages called for and return them to their places, 1 Registrar, and 1 Clerk, who also would prepare monthly returns, pay bills, &c., required.

Service messages examination.

79. For the examination of service messages, 1 Clerk is required.

Process required for detection of faults.

80. In order to discover the *faults in messages*, it is absolutely necessary in the first instance to compare the received and the original messages. If they agree, nothing further is required; if they disagree, the original must be compared with each copy taken, until the faults are traced to the proper Offices. From the above it is evident that this is a very tedious process, and will require a strong staff,—a stronger staff than perhaps, at first sight, the process appears to be worthy of. There can, however, be no question that though it will cost a good deal of money, it will deter many from faults of omission and commission, and ensure amendment and public confidence.

81. By giving different colors to the papers and envelopes of original, transit, and received (issued) messages, with a distinguishing letter to each message, the pairing of all the messages will be facilitated—and once paired, the comparison ought to proceed pretty rapidly. It must, however, be kept in mind that if 100 messages be issued from a station in one day to 100 different stations, the copies of the issued messages will be received in the Check Office, Calcutta, in one hundred different packets, arriving at different times from the hundred stations to which they were issued, besides

* All India is dependent on them for repairs and alterations of instruments, machinery, top-pieces &c; and Bengal for masts, boats, office furniture, &c.

† Many are of opinion, Colonel P. Stewart was, and I am myself, that wooden top-pieces are a mistake the whole should be of iron, and dependence placed on the insulators for non-conduction.

copies from transit stations. Hence to pair the messages, several sortings will be required; one set of Sorters must open the message packets, and throw each message according to its original station into its box or compartment. This will bring all the messages from any one station together, they must then be paired by a second sorting and then read (i.e. compared) to discover the faults. From experiments made, I believe that (1) one Sorter, (1) one Pairer, and (2) two Comparers, will be required for every hundred messages; that is to say, for present traffic (11) eleven Sorters, (14) fourteen Pairers, and (28) twenty-eight Comparers, will be requisite. I think it very probable that, after a little practice, the work might be performed by a much smaller staff; but, until it has been working for two or three months, I should be sorry to commit myself to a decided estimate. The Office servants would be 1 Duftry, 1 Peon, 1 Furrash, ½ Sweeper.

System necessary for detection of faults.

82. At present four men are employed in destroying the old messages, this should be done by machinery as more economical and effectual.

83. These are at present far too complex. Superintendents, Assistant Superintendents, and Inspectors, have all to compile their accounts instead of simply to render them to skilled Accountants. The accounts of Executive Officers should be as simple as possible. They should keep a cash or day-book, a plain record of events, in which every item of daily expenditure should be daily entered. A copy of this day-book should be forwarded periodically, weekly, or monthly, to the Superintendent, who would examine it, so far only as to see that the rates were fair, the labor employed not excessive, and that all other charges were reasonable. If not approved of, the Superintendent would return the copy for revision to the Assistant Superintendent, with his remarks; when approved of, he would countersign it and forward it to the *Central Office of Accounts* for compilation and audit. The extract from the day-book should be accompanied by an account-current. In this account-current the Executive Officer would be debited with all sums received, but would only take credit for bills passed. Bills rendered, but not passed, would be shown in a foot-note as unadjusted; all estimates for repairs or construction should be prepared by the Executive Officers carefully scrutinized, countersigned, and submitted with their remarks, by the Superintendent to the Director General.

Accounts.

84. The accounts of the Signal Office would be still more simple: Each Office would be allowed a standing imprest proportioned to its monthly requirements. For small Offices, Rs. (25) twenty-five would be sufficient. The largest would not require more than (100) one hundred. This imprest may be considered as a loan to the Assistant in charge, and would not appear in his accounts as a balance in hand, but merely in a foot-note. His contingent bill would be forwarded to the Superintendent of his Circle, who, if satisfied that the charges were just, would countersign the bill and forward it to the Director General; or, if dissatisfied, return it for revision to the Assistant in charge (Telegraph Master). These bills would be audited by a special branch of the Central Office of Accounts, and returned as passed, signed by the Director General or his Deputy.

85. The Assistant in charge presenting them would receive the amount from the Civil Treasury. Signal Office salary bills would, in like manner, be paid at the treasury on counter-signature of Superintendents; and all monies received as cash collections, recoveries of fines, by sale of stamps, would be paid into credit of Government,—a return of the same being also sent to the Cash Checking Office. I would discourage advances as much as possible. They cannot be wholly dispensed with, but they may be reduced to a minimum if Superintendents have the power of giving orders to the Steam Companies, Railways, Bullock Trains, and Post Offices, for transport of Signallers, &c., by Steamer, Rail, Dawk, or Mail-cart, or Dooly, as the route may require. The bills for such orders passed to be passed by Central Office, and paid on presentation by Civil Treasurer. By this simple arrangement Office accounts could not possibly get into confusion, even in the hands of the most bungling Accountant.

Re-arrangement of Salaries

83. It is hardly necessary to go into any lengthy discussion to prove the necessity for a considerable increase of salaries, if the Department is ever to be filled with efficient Officers; or to demonstrate that, without good Officers, it never can work satisfactorily, or fulfil public expectation. The annual advertisement published in the English papers reads very tempting to the youths of England ignorant of India and her ways. £180 per annum, with the chance of rising to £3,600 per annum, is certainly a most magnificent prospect; but from the first it became evident to those who came out that their chances of gaining any prizes were of the smallest, whilst for years to come their comparative pay would debar them from the society of people of their own rank, and would lower their status by its unfavorable contrast with that of other Departments. On the last occasion of Competitive Examination in London *only five candidates offered themselves*, and their average abilities were far below those who came first; what the next examination may bring forth it is impossible to say, but little reliance can be placed on it. In short, as observed in the Despatch from the Secretary of State for India, "*the results of the experiment are not encouraging.*" *Low pay and slow promotion deter good men who know India from entering the Department, and induce those who have entered to strain every nerve to get away from it.* I assume, then, that increased salaries must be granted if efficiency is to be secured; and if efficiency be obtained, greatly increased traffic will soon follow and produce handsome remunerative returns. The new tariff should produce at least 30 per cent. increase, and the traffic itself is increasing at the rate of not less than 20 per cent. per annum. The expenses are now a little over Rs. 14,00,000 and the returns over Rs. 9,00,000; it is clear then that the Department must pay handsome revenue within a very few years if properly worked. I believe also that with good men well paid, and the organization I have now recommended, I shall secure a better administration, and be able to work with a smaller staff than hitherto.

Necessity for increased salaries to secure good Officers.

87. For simplification of audit, it is very desirable that the principles that regulate the salaries should be precisely the same as those which regulate other similar Departments. I have, therefore, followed the plan now generally adopted with consolidated salaries, viz., of giving annual increments for those grades whose numbers are *fixed*, so that incumbents may not continue year after year without any improvement of their means, whilst the fluctuating, or lower grades, receive promotion for length of service.

88. For *travelling allowances* I recommend that *precisely the same rules as those laid down in the Public Works Code be* adopted for this Department, excepting that when any Officer on tour shall stop (8) eight hours or more of one day at one Station on duty, he shall be allowed to draw his per diem allowance for that day, in addition to mileage, or be allowed the choice of *bonâ fide* expenses. When travelling from Telegraph Station to Telegraph Station by Rail, an Inspecting Officer will travel only a very few miles, and then halt to examine the station and accounts, thus neither per diem allowance nor mileage will suffice to pay both Rail fare and hotel expenses; moreover, usually when an Officer of this Department has to go on tour, it is not a matter of a few days' absence, he cannot afford to take his family with him, or to give up his house, but he must take servants, much luggage, and in many cases his horse and tents, involving an expenditure far beyond that covered by ordinary rates; consequently, if not conscientious, he will find some excuse for limiting his tour, and avoiding stations difficult of access. *Efficient and willing inspections will never be obtained until travelling is made pecuniarily advantageous.* Hitherto, in this Department, this view of the subject has been quite lost sight of. Under existing rules it is both inconvenient and costly for any one to go on tour, consequently many systematically shirk, or passively resist doing so, to the very verge of absolute neglect,—a course of conduct which naturally leads to insubordination, and strikes deep at the root of all discipline, zeal, and every honest feeling throughout all ranks.

Travelling allowance.

89. I do not suggest any alteration in the pay and allowances of the Director General

Deputy Director General's salary should be about the same as that of other important Deputies, viz, Rs. 1 500 to Rs. 1,800.

90. The Deputy Director General will hold a very important responsible and onerous appointment His labors and responsibilities will certainly not be inferior to those of the Deputy Adjutant General, Deputy Quarter Master General, Examiner of Commissariat Accounts, or any others of the numerous class who draw Rs 1,000 staff in addition to Staff Corps pay of rank.

91. The Deputy Director General would rarely be of less length of service than 20 years, generally over 26 years. If he received Rs 1,000 staff, his salary would be Rs. 1,640 after the first period, or Rs. 1,820 after the second. In recommending, then, a salary for the Deputy Director General of Rs. 1,500, rising by annual increments of Rs. 50 to Rs. 1,800, I am, if anything, placing it too low His travelling allowances should be those of a Superintending Engineer.

Superintendents in two grades.

92. For Superintendents I recommend (2) two grades, seven in the 1st, twelve in the 2nd, including one for Ceylon. Two of the Directors will be absorbed into these, and their salaries must of course be continued to them. In determining what shall be their salaries, it will be well to consider what denomination of Officer of other Departments they most closely resemble. They have not the same important duties or responsibilities as Post Masters General, or Superintending Engineers, but they certainly approximate thereto, and must be of considerable length of service.

I propose to deprive them of their house-rent, excepting at the Presidency towns and other exceptional places, and to merge these allowances into their salaries. Those employed at the Presidencies, or in important positions removed from Head Quarters, or on important works, would have considerable heavier responsibilities than those in less important positions. Distinguished zeal and length of service also requires consideration; I propose, therefore, to divide them thus:—

Seven 1st Class Superintendents, including the Superintendent for Ceylon, on Rs. 800, rising by Rs. 50 per annum to Rs. 1,000. Mean Rs. 900.

Twelve 2nd Class Superintendents on Rs. 600, rising by Rs. 30 per annum to Rs. 750. Mean Rs. 675.

Their travelling allowance should be the same as 1st Class Executive Engineers, Department Public Works

93. The salaries I propose for Assistant Superintendents, 4th Class, is the same as received by Covenanted Civil Engineers on arrival from England, viz., on joining Rs. 200.

After one year's service, and passing an examination in the Vernacular of this country, Rs. 225.

After two years' approved service to be promoted to 3rd Class on Rs. 250.

After three years' service, Rs. 275.

After four years', promoted into 2nd Class, if conduct be satisfactory, on Rs. 300.

After five years' service, Rs. 325.

After six years' service, promoted into 1st Class, Rs. 350, rising by Rs. 25 annually to Rs. 450.

These periods to be prolonged or shortened in special cases of good or bad service, with the sanction of Government.

94. Travelling allowance to Assistant Superintendents to be the same as to Assistant Engineers and Apprentices, Department Public Works, viz., Rs. 4 per diem, or mileage 3 annas and 8 annas.

Inspectors' salaries.

95. For the new grade of Inspectors, I propose somewhat lower salaries than those accorded to the Upper Subordinate Establishment of the Public Works Department. Promoted Signallers should enter on not less pay than they were in the receipt of as Signallers; others entering direct would receive Rs. 80, rising to Rs. 250 by increments of Rs. 10 per annum In especial cases these rules might be modified under special sanction. Travelling allowances would accord with those granted to members of the upper subordinate Establishment of the same salary of the Department Public Works.

96. For Signallers on entering, and Probationers at School, I see no call for an increase, provided they may draw rations from the Commissariat at the same rates as soldiers, and receive gratis their uniform, the value of which may be estimated at £3 per head per year; they would find their own linen, boots, and shoes, &c., but Government should give them caps, trousers, waist-coats, and jackets, or coats. I also propose to keep the same increase of increments as at present for the first five years, after (5) five years to increase the increments 50 per cent., and after another five, another 50 per cent., as shown in the above Table

Signallers' salaries.

PRESENT SCALE.					PROPOSED SCALE.					
	CHARACTER.					CHARACTER.				
After years of service.	Superior.	Good.	Average.	Indifferent.	After years of service.	Superior.	Good.	Average.	Indifferent.	REMARKS.
15	150	125	100	75	15	195	162	130	100	Increments doubled, 6-8-10 12.
14	144	120	96	72	14	183	152	122	95	
13	138	115	92	69	13	171	142	114	89	
12	132	110	88	66	12	159	132	106	83	
11	126	105	84	63	11	147	122	98	77	
10	120	100	80	60	10	135	112	90	71	Increments 50 per cent. higher.
9	114	95	76	57	9	126	105	84	66	
8	108	90	72	54	8	117	97	78	61	
7	102	85	68	51	7	108	90	72	57	
6	96	80	64	48	6	99	82	66	52	
5	90	75	60	45	5	90	75	60	45	No change; increments 3-4-5-6.
4	84	70	56	42	4	84	70	56	42	
3	78	65	52	39	3	78	65	52	39	
2	72	60	48	36	2	72	60	48	36	
1	66	55	44	33	1	66	55	44	33	
0	60	50	40	30	0	60	50	40	30	

97. It is a well established fact that, in all increasing scales, the average or mean is never reached. If one hundred men start in life together, fifty of them will not be in the same service after (10) ten years, and very few at the end of (20) twenty. Also any lottery which offers a few good prizes is always more attractive than a better one in which the prizes, though numerous, are smaller. Hence the above scale, though in reality involving little extra expense, would, I believe, be highly popular. I have already given my opinion that the rates of pay for Signallers do not appear to me to call

for extensive revision, but to secure honest, careful attention and supervision on the part of the Telegraph and Deputy Telegraph Masters, heretofore called Assistants and Deputy Assistants in charge, as well as to hold out prizes to the well-conducted and intelligent, I propose to make the "charge" allowances more uniform for all Offices, and to make them *personal* rather than "*charge*;" that is to say, the pay of the Telegraph, or Deputy Telegraph Master, would exceed that of a Signaller of his standing by his allowance. His pension and furlough pay should be calculated on it. This would confer a great benefit at a small cost. The present charge allowances vary from Rs. 75 per mensem to Rs. 15, according to the amount of business transacted by each Office. Instead of estimating this allowance by a kind of *ad valorem* calculation, I would divide Offices into four classes, viz., Presidency, and full day and night, the allowance for which should be Rs. 80 per mensem. Repetition, day and night, with comparative little local work, Rs. 60. Full day work only, Rs. 40. Light day work only, Rs. 20. The number and classification of Telegraph Masters and Deputy Telegraph Masters would vary as the Offices. A 1st Class Telegraph Master or Deputy, as a rule, being in a 1st Class Office, but not necessarily so. Deputy Telegraph Master would receive half rates, as sanctioned in Financial Resolution No. 1178 of 3rd July 1865.

Financial results and conclusion.

98. The accompanying Tabular Statement, Appendix C., conveys a fair impression of the immediate effect of the proposed alterations in the scale of pay. I assume that no promotions are to be made for length of service at the outset, but only as those fit for promotion qualify for it by length of service. The numbers in the grades will rapidly alter. When promotion throughout the Department is slow, the number of 1st and 2nd Class Assistant Superintendents will be above average, and *vice versâ*. This is as it should be.

99. I have allowed Rs. 150 as Office Establishment for Circle Superintendents, this would be ample. Temporary Establishments would be required for the Offices of those employed on works of construction, but on a much smaller scale than hitherto, as the accounts would be so much more simple; but credit is not taken for this saving, as it is almost impossible to approximate to the amount.

100. I have also taken credit for house and horse allowance for all Assistant Superintendents. This is not quite correct, as several Superintendents and Assistant Superintendents are now furnished with quarters (to the great inconvenience of the Signallers and Assistants in charge), and those in charge of Offices do not draw horse allowance. On the whole, the increase is moderate, and is very much below what may be expected from the operation of the revised tariff, and annually increasing traffic.

101. The foregoing embraces, I trust, the whole of the organic changes that it is at present desirable to introduce into this Department. From time to time other modifications will doubtless suggest themselves, but I trust few, or none of them, will be radical, or of such magnitude as to require the consideration of Government for their introduction.

102. I have endeavoured, to the best of my ability, to devise that scheme which shall produce the best possible results, at the least possible cost, and I am sanguine that the scheme I have submitted will work well, and will approximate to this desirable end. In justice to myself I must, however, state, that I have some doubt whether the abolition of Directors may after all prove beneficial. I have reflected much on this question; on one side excessive centralization has weighed against loss of power and friction, but the balance has been turned by this consideration, viz., that if the change prove injudicious, nothing can be easier than to convert the seven proposed 1st Class Superintendents into Directors, an arrangement which would give one Director for each local Administration.

103. I shall be glad to receive early sanction to such portion of my recommendation as may meet with approval, and may add, in conclusion, that the Budget provision for this Department for the current year 1865-66, prepared on the recommendations for increase of salaries made in Colonel Douglas's No. 29, 9 of the 1st February last, is more than ample to meet all the requirements of my scheme.

E.

Extract from the Proceedings of the Right Hon'ble the Governor General of India in Council, in the Home Department (Electric Telegraph),—(No. 4877, dated 8th December 1865.)

Read a letter from the Officiating Director General of Telegraphs, No. 171 A, dated the 18th October.

REMARKS.—In this letter the Director General submits for approval the measures which he considers to be necessary for making the organization of the Department really effective.

2. The proposed modification of Departmental Establishment is shown in the Tabular Statement (Appendix C.) attached to the letter. It involves a mean increase (taking all the variable salaries at the mean between the proposed minima and maxima) of Rs. 4,49,796 per annum; but for the first year the mean will not, it is shown, be fully attained; and owing to this, as well as to the full scale of proposed Establishment not being in every case brought into immediate operation, the increase for the *first* year is estimated at only Rs. 2,83,152.

3. The alterations included in the Statement under notice are as follows:—

Present charge. Rs. per mensem.	Proposed charge Rs. per mensem	
Nil	1,650	(1).—Appointment of a *Deputy Director General* on a consolidated salary of Rs. 1,500, rising by Rs. 50 annually to Rs. 1,800.
2,950 (mean)	Nil.	(2).—Abolition of the three *Directorships.*
6,950	14,400	(3).—Increase in number (15 to 19) and pay (from an average of about Rs. 464 to one of about Rs. 758) of the *Superintendents.*
20,900	23,980	(4).—103 *Assistant Superintendents* and *Inspectors* on an average salary of about Rs. 202 to be exchanged for 88 *Assistant Superintendents* on an average salary of about Rs 272.
1,000	6,000	(5).—10 *Inspectors*, 4th Class, on Rs. 100 each, to be exchanged for 50 *Inspectors* on an average salary of Rs. 120.
39,095	66,150	(6).—820 *Signallers* on an average salary of about Rs. 47, to be exchanged for 1,020 *Signallers and Telegraph Masters* on an average of about Rs. 64.
5,565	700	(7).—*House allowances* for Superintendents and Assistant Superintendents to be abolished, except in respect of those stationed at Calcutta, Rangoon, and Bombay. *Horse allowances* of Inspectors to be abolished.
3,486	2,100	(8).—*Office Establishments* of Directors to be abolished, and those of Superintendents to be reduced (owing to simplication of accounts).
830	1,500	(9).—*Central Office of Accounts* to be established in lieu of former Account Branch.
440	739	(10).—*Director General's Office Establishment* to be strengthened in respect both of numbers and pay.
392	871	(11).—*Office of Superintendent of Stores* to be strengthened. Part of the increase, (viz., Rs. 282,) is due to proposed employment of cart drivers and lascars on the fixed Establishment instead of hiring them.
437	1,438	(12).—*Check and Complaint Office* to be strengthened and improved in respect of pay.
82,045	1,19,528	
Increase per mensem ...	37,483	
Do. per annum	4,49,796	

4. Colonel Robinson states (paragraph 103) that the Budget provision of the current year is "more than ample to meet all the requirements" of the scheme, and he shows (paragraph 86) that the increase in the receipts to be expected from the growth of traffic (20 per cent.), and from the revised tariff of charges (30 per cent.), will more than meet* the extra cost involved in the proposed re-organization.

	Rs.
* Present Returns ...	9,00,000
Add 20 per cent. for growth of traffic and 30 per cent. for revision of tariff, total 50 per cent. ..	4,50,000

5. The Governor General in Council proceeds to review briefly the main features of the scheme submitted by Colonel Robinson.

Deputy Director General.

6. The proposed appointment of a Deputy Director General (paragraphs 21, 22, and 91) seems to be an arrangement which is likely to prove far more efficient than the present one of three Divisional Directors, whose Offices are to be abolished (paragraph 3); and the salary indicated by Colonel Robinson for the Deputy Director Generalship does not seem too high to secure the services of a good Officer.

Superintendents.

7. The proposition in respect of the Superintendents is contained in paragraphs 28 and 92.

8. The proposed number of Superintendents is reasonable, and the grading of the other Officers named in paragraph 28 with the Superintendents appears also to be proper. But the Governor General in Council questions whether the salaries proposed (paragraph 92) will afford sufficient inducement, and he considers that it will be preferable to have nine only in the lowest Class, on the salary proposed (Rs. 600 to 750); six in a middle Class, on the salary (Rs. 800 to 1,000) proposed for the first Class; and a new first Class of four, commencing on Rs. 1,050, and rising by an increase of Rs. 75 each year to Rs 1,500. Very few will attain this maximum, and those who do must have served long and well.

9. The Governor General in Council approves generally of the powers and functions proposed for Superintendents (paragraphs 4 and 23), and the Director General will be asked to furnish a copy of the instructions which he may eventually issue with the object of giving full effect to the general views expressed therein. He will further be required, if it is intended to give the Superintendents any fresh powers in regard to incurring or sanctioning expenditure of any kind, to submit that part of the instructions separately for the previous sanction of Government.

Assistant Superintendents.

10. The proposed grade of Assistant Superintendents include certain Officers termed, until recently, Inspectors. The alteration of designation was approved in this Office letter No. 2126, dated 20th September. The number (88) of Assistant Superintendents, as explained in paragraph 38, does not seem too large. The only item which may, perhaps, be open to question is the provision of 10 Officers to meet the contingencies of absence on account of leave or on duty as Acting Superintendents; but the Governor General in Council would not, on the whole, object to the proposed number, for the present at least. The salary proposed for this grade (paragraph 93) seem reasonable. The highest rate of pay (Rs. 450) would be reached after 10 years' service; and if an Officer's conduct has been good throughout, this does not seem too high.

11. The Governor General in Council concurs in the expediency of the principle stated in paragraph 30, in regard to the promotion of Assistant Superintendents.

12. In paragraph 37 it is stated that Officers will be admitted to the grade of Assistant Superintendents after passing a suitable examination; and in the same paragraph, as also in paragraph 93, it is stated that an examination "in the vernacular" will have to be passed as a condition of the first step of promotion. The Governor General in Council thinks that something of the kind is desirable, but it occurs to him that unless Assistant Superintendents are to be tied to particular Provinces, the proposed requirement in respect of passing in "the vernacular" may require further consideration by the Director General.

Inspectors.

13. The proposed grade of Inspectors comprises the Officers formerly termed Overseers, as explained in paragraphs 13 and 39. The old Overseer Class is stated to have been of late allowed almost to die out; but Colonel Robinson regards them as a "very useful and economical class of public servants," and proposes (paragraphs 39 and 40) to continue the grade (under the designation of Inspectors), recruiting it by the promotion of deserving Signallers, or by the obtainment of Non-Commissioned Officers from the Roorkee College. He proposes to limit the numbers for the present to 50. The Governor General in Council is disposed to approve of the above, and to agree to the scale of salaries proposed for the Officers of this grade, as explained in paragraph 95.

Signallers and Telegraph Masters.

14. As regards Signallers, the Director General proposes to introduce the distinctive designation of Telegraph Masters for Signallers in charge of Offices. There is no objection to this.

15. The Director General observes (paragraph 60) that the number of Signallers must "fluctuate with the number of Offices and amount of traffic;" and he calculates the present number required to be 753, besides 171 Telegraph Masters, or 924 in all. To this he proposes to add 10 per cent. to provide for absence on leave, &c., and for special requirements, the total number with this addition being 832, besides 188 Telegraph Masters, or in all 1,020. The Governor General in Council would approve of this.

16. The scale of proposed salaries for Signallers is given in paragraph 96. The Governor General in Council would sanction the proposed scale. He would deem it low, but for the assistance in addition to salary which it is proposed to give. This is considerable, comprising (paragraph 96) house accommodation with furniture,* and uniform. The drawing of rations from the Commissariat is also contemplated (paragraph 96); and, even though the ration be paid for (as the Director General is believed to intend), the arrangement will be, more or less, of the nature of a privilege. It is doubtful, perhaps, whether in all parts of the country the arrangement in respect of rations can be made, and whether in any part of the country it will be found to work easily, involving, as it probably would, inconvenient references between the two Departments; but there is no objection to the plan being tried.

* See also paragraph 50.

17. In regard to the proposal (paragraph 49) that Signallers should be relieved periodically like Troops, the Governor General in Council observes that there is some truth in the reasons assigned for the measure; but, as a question of expense, the matter needs full consideration and very discreet management. His Excellency in Council will not, therefore, go further at present than to ask the Director General to submit, at his convenience, a detailed account of the manner in which he would work such a system.

18. The proposal made in paragraph 97 to modify the present system and rates of allowances to Signallers in charge of Offices (to be termed in future Telegraph Masters), meets with the entire approval of the Governor General in Council.

Training of Signallers.

19. In paragraphs 51 to 578, the Director General makes proposals with the object of providing better means of training Signallers. He would establish nine Training Schools (paragraph 56) in different parts of the country, each School-house being supplied with proper furniture and the requisite apparatus (paragraph 53); the lads being rationed (paying for it out of their allowances) and found in uniform at the expense of Government, and the term of probation being extended from four to six months.

20. The Governor General in Council is disposed to approve generally of the above proposals. The number of Schools is not regarded as excessive, but the Director General will be requested to submit details of the proposed cost.

Check Office.

21. In paragraphs 10 and 72 to 82, the Director General describes the manner in which he proposes to reorganize what has hitherto been termed the "Complaint, Fault and Cash Checker's Office," but which he would, in future, designate the "Check Office." He proposes to have an Establishment "which will fluctuate with the number of messages received;" the particular scale entered in the Schedule being apparently drawn out in accordance with an estimate of present requirements.

22. The plan might, unobjectionably perhaps, be tried; the proposed scale being accepted as a present arrangement, subject to future adjustment as experience may dictate; but the matter will be more closely scrutinized in the Financial Department.

System of Accounts: Central Office of Account: Passing and Auditing of Expenditure.

23. In paragraphs 83 to 85, the Director General describes the alterations he would make in the system of accounts. Connected with this is the proposal (paragraphs 63 and 64) for the formation of a Central Office of Account, the establishment of which is entered in lump in the Schedule at Rs. 1,500 per mensem. With this subject may be considered also the remarks made in paragraphs 5 and 6, relative to the proposed classification of expenditure, and the system under which it should be passed and audited; also the proposal contained in paragraphs 16 and 17, relative to the powers of the Director General in respect of audit.

The proposals appear generally unobjectionable, except that it might be better for *all* expenditure to be *passed* by Departmental Officers, and subsequently *audited* in the Central Office. As regards the Director General's power of audit, the views expressed by Colonel Robinson appear generally sound; but it may be doubtful whether the Director General's audit should be *final*.

The object will be more fully considered in the Financial Department.

24. In the latter part of paragraph 85 the Director General proposes, with the view of simplifying the accounts of the Department, and facilitating the abolition of the system of advances, that Superintendents should have the "power of giving orders to the Steam Companies, Railways, Bullock Trains and Post Offices for transport of Signallers, &c.," the bills for such orders being passed by the Central Office and paid on presentation by the Civil Treasurer. The Governor General in Council is disposed to question the arrangement being simple. Orders for payment, whether involving eventual cash payments or transfers in account, are surely more complicated as a *question of account* than immediate cash payments. And on other grounds His Excellency in Council thinks it objectionable to give the power suggested. In the case of Railways, private Steamers and Transport Companies, it could only be given with the consent of the respective Managers of such concerns.

Store Department.

25. In paragraphs 65 to 67, the Director General explains the modifications which he would make in the Store Department; in paragraph 68 he proposes the establishment of small Local Store Depôts at each Presidency or Circle; and in paragraph 69 he points out the inexpediency of attempting to supply all wooden top pieces from Calcutta. The views expressed by Colonel Robinson on the above subjects are generally approved, and he will be requested to submit specific propositions showing the cost of the proposed Local Depôts.

Travelling Allowances.

26. In paragraphs 88, 91, 92, and 96, the Director General indicates the provision which he would make for travelling allowances to Officers of the Department; the rules laid down in the Public Works Code being, with certain exceptions, proposed for adoption. The views expressed by Colonel Robinson are generally approved; and he will be requested to submit a detailed plan for all grades based on the rules and rates obtaining in the Public Works Department, and showing the specific rules which it is intended to apply to the Telegraph Department.

House and Horse Allowances.

27. The abolition of House allowances (with certain exceptions) and also of horse allowances to the extent contemplated in paragraphs 11, 92, and 100, and in the annexed Schedule, is approved.

Telegraph Buildings.

28. In paragraph 58 the Director General remarks that the Telegraph Offices should be accommodated in buildings the property of Government, and points out the objections to renting houses. The views expressed are approved, with the reservation that, at temporary stations (in which class are included all Offices that are used primarily for Departmental purposes), it will be better generally to rent. The provision of buildings will, of course, be carried out gradually, the work to be executed in any one year being regulated by the urgency of the requirements and the ability of the Public Works Department to undertake it with reference to the other demands upon its agency. The views expressed in paragraph 59, respecting the size and plan of houses, seem to be unobjectionable.

Tours of Inspection by the Director General.

29. The Governor General in Council agrees to the proposal (paragraph 19) that the Director General should be allowed to make occasional extended tours of inspection.

Uniform for Officers of the Department.

30. The proposal to provide a uniform for Signallers at the expense of Government has already been noticed (paragraph 15 of this Resolution); but the Director General's scheme contemplates (paragraph 14) the adoption of a uniform "for all grades;" those "below the grade of Assistant Superintendents" being (paragraph 55) provided at the expense of Government. The proposition is favorably regarded.

31. In conclusion the Governor General in Council observes that the Report submitted by Colonel Robinson is a good and useful one. His views appear to be generally moderate and sensible, and to give good promise of an energetic and effective management of the Department, coupled with a proper and considerate treatment of all employed under him. Subject to the remarks made in the preceding paragraphs, the Governor General in Council would give a general approval to the proposed measures; and in regard to any points on which doubts have been expressed, or on which doubts may occur to the Financial Department, the Director General might be instructed to work experimentally for the present in view to the subsequent adoption of such modifications as experience may dictate.

Ordered, that a copy of the above remarks, together with a copy of the Director General's letter, be forwarded to the Financial Department for further consideration, with reference generally to the additional expense involved in the proposals, and specially to the points noticed in paragraphs 21 and 22 (Check Office) and paragraph 23 (system of Accounts and Audit, Central Office of Account).

Resolution,—By the Govt. of India, Finl. Dept.,—(No. 3716, dated 30th December 1865),

The Governor General in Council is pleased to sanction, experimentally, the arrangements detailed above, with the remark that the procedure for simplifying accounts, and the details connected with the audit and record of expenditure, as also the amount of external audit necessary, should be discussed by the Director General with the Comptroller General of Accounts, and the result reported to the Government for final orders.

Ordered, that a copy of the foregoing Resolution be sent to the Home Department, with the request that the Director General may be called upon to submit details of the cost of the proposed Central Office of Accounts, and of the Circle Superintendents' Establishments.

Also, that a copy of this Resolution be sent to the Comptroller General of Accounts, with copies of Appendices B and C, and of paras. 92 to 96 of the Director General's letter.

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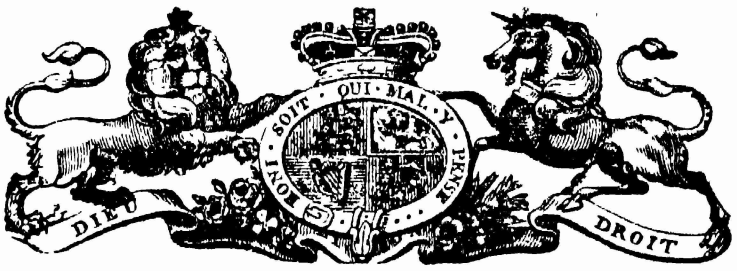
No. 10.



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CALCUTTA, SATURDAY, MARCH 10, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd February 1866, and is hereby promulgated for general information:—

Act No. V of 1866.

Act to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial Law of British India.

Preamble.

Whereas it is expedient to provide a summary procedure for the recovery of money due on dishonoured Bills of Exchange, Hundís and Promissory Notes; and whereas inconvenience is felt by persons engaged in trade by reason of the laws of British India being in some particulars different from those of England in matters of common occurrence in the course of such trade; and whereas, with a view to remedy such inconvenience, it is expedient to amend the laws of British India as hereinafter is mentioned; It is enacted as follows:—

Interpretation Clause.

1. In this Act, unless there be something repugnant in the subject or context—

"British India."

"British India" shall mean the territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106 (An Act for the better Government of India).

"High Court."

"High Court" shall mean the High Court of Judicature at Calcutta, Madras or Bombay, as the case may be:

"Local Government."

And in every part of British India in which this Act shall operate, "Local Government" shall mean the person authorized by law to administer executive government in such part.

From and after 1st May 1866, in all suits upon Bills of Exchange, &c., if plaintiff desires to proceed under this Act, the summons shall be in the form given in the Schedule.

2. From and after the first day of May 1866, all suits upon Bills of Exchange, Hundís or Promissory Notes commenced in any High Court within six calendar months after the same shall have become due and payable, may, in case the plaintiff shall desire to proceed under this Act, be commenced as hereinafter is mentioned, (that is to say) the plaint shall be in the form prescribed by the Code of Civil Procedure; but the summons shall be in the form contained in the Schedule to this Act; and in any case in which the plaint and summons shall be in such forms respectively, it shall not be lawful for the defendant to appear to or defend the suit unless he shall obtain leave from a Judge as hereinafter mentioned so to appear and defend; and in default of his obtaining such leave or of appearance and defence in pursuance thereof, the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by a rule of the High Court, unless the plaintiff claim more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be enforced forthwith.

Defendant showing a defence upon the merits to have leave to appear.

3. The High Court shall, upon application within the period of seven days from the service of such summons, give leave to appear and to defend the suit, upon the defendant paying into Court the sum mentioned in the summons or upon affidavits satisfactory to the Court, which disclose a defence, or such facts as would make it incumbent on the holder to prove con-

sideration, or such other facts as the Court may deem sufficient to support the application, and on such terms as to security, framing and recording issues, or otherwise, as to the Court may seem fit.

Court may, under special circumstances, set aside decree.

4. After decree, the High Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to appear to the summons and to defend the suit, if it shall seem reasonable to the Court so to do and on such terms as to the Court may seem just.

Court may order Bill to be deposited with Officer of Court in certain cases.

5. In any proceedings under this Act, it shall be competent to the High Court to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all proceedings shall be stayed until the plaintiff shall have given security for the costs thereof.

Remedy for recovery of cost of noting non-acceptance of dishonoured Bill.

6. The holder of every dishonoured Bill of Exchange or Promissory Note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this Act for the recovery of the amount of such Bill or Note.

Civil Procedure Code and rules made thereunder to apply to proceedings under this Act.

7. The provisions of the Code of Civil Procedure, and all rules made under or by virtue of the said Code shall, so far as the same are or may be made applicable, extend and apply to all proceedings to be had or taken under this Act.

Local Government may extend Act.

8. It shall be lawful for the Local Government to direct that all or any part of the provisions in Sections 2 to 7, both inclusive, of this Act shall, *mutatis mutandis*, apply to all or any Courts or Court in the territories under such Government, other than a High Court, and within one month after such order shall have been made and published in the Official Gazette, such provisions shall extend and apply in manner directed by such order, and any such order may be in like manner from time to time altered and annulled. In and by any such order the Local Government may direct by whom any powers or duties incident to the provisions applied under this Act, shall and may be exercised with respect to matters in such other Courts or Court, and may make any orders or regulations which may be deemed requisite for carrying into operation in such Courts or Court the provisions so applied.

Consideration for guarantee need not appear by writing.

9. No special promise to be made by any person after the passing of this Act to answer for the debt, default or miscarriage of another person, being in writing, and signed by the party to be charged therewith or some other person by him thereunto lawfully authorized, shall be deemed invalid to support a suit to charge the person by whom such promise shall have been made, by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

Guarantee to or for a Firm to cease upon a change in the Firm except in special cases.

10. No promise to answer for the debt, default or miscarriage of another made to a Firm consisting of two or more persons, or to a single person trading under the name of a Firm, and no promise to answer for the debt, default or miscarriage of a Firm, consisting of two or more persons, or of a single person trading under the name of a Firm, shall be binding on the person making such promise in respect of any thing done or omitted to be done after a change shall have taken place in any one or more of the persons constituting the Firm, or in the person trading under the name of a Firm, unless the intention of the parties, that such promise shall continue to be binding notwithstanding such change, shall appear either by express stipulation or by necessary implication from the nature of the Firm or otherwise.

Acceptance of a Bill, Inland or Foreign, to be in writing on it, and signed.

11. No acceptance of any Bill of Exchange, whether Inland or Foreign, made after the first day of May 1866, shall be sufficient to bind or charge any person, unless the same be in writing on such Bill, or, if there be more than one part of such Bill, on one of the said parts, and signed by the acceptor or some person duly authorized by him.

What are to be deemed "Inland Bills."

12. Every Bill of Exchange or Promissory Note drawn or made in any part of British India, and made payable in or drawn upon any person resident in any part of British India, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the stamp duty, if any, which, but for this enactment, would be payable in respect of any such Bill or Note.

Protest by Notary Public to be *primâ facie* evidence of dishonour.

13. Protest of a Bill of Exchange, whether Inland or Foreign, when purporting to be made by a Notary Public, shall be *primâ facie* evidence that the Bill has been dishonoured.

Suits on lost negotiable instruments.

14. In case of any suit founded upon a Bill of Exchange or other negotiable instrument, if it shall be proved to the satisfaction of the Court that the instrument is lost, and if an indemnity be given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, it shall be lawful for the Court to make such decree as it would have made if the plaintiff had produced the instrument in Court when the plaint was present-

ed, and had at the same time delivered a copy of the instrument to be filed with the plaint.

Rights under marine and fire policies to vest in assignees.

15. Every assignee, by endorsement or otherwise, of a policy of marine insurance or of a policy of insurance against fire, in whom the property in the subject insured shall be absolutely vested at the date of the assignment, shall have transferred to and vested in him all rights of suit as if the contract contained in the policy had been made with himself.

SCHEDULE.

No. of Suit.

In the High Court of at

Plaintiff
Defendant

To [*here enter the defendant's name, description and address.*]

Whereas [*here enter the plaintiff's name, description and address*] has instituted a suit in this Court against you under Act No. V of 1866 (*to provide a summary procedure on Bills of Exchange and to amend in certain respects the Commercial law of British India*) for Rs. principal and interest [*or* Rs. balance of principal and interest] due to him as the Payee [*or* Indorsee] of a Bill of Exchange [*or* Hundí *or* Promissory Note] of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within seven days from the service hereof, inclusive of the day of such service, to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such seven days to obtain a decree for any sum not exceeding the sum of Rs. [*here state the sum claimed*] and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

[*Here copy the Bill of Exchange, Hundí or Promissory Note, and all endorsements upon it.*]

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 2nd March 1866, and is hereby promulgated for general information :—

ACT No. VI OF 1866.

An Act to continue Act No. XXXI of 1860 (*relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases*) *and for other purposes.*

Preamble.

Whereas Act No. XXXI of 1860 as continued by Act No. VI of 1865 will expire on the first day of October 1866; and whereas it is expedient to continue the said Act No. XXXI of 1860 with such modifications as are hereinafter mentioned; and whereas it is desirable to render the license mentioned in the 26th and other Sections of the same Act grantable upon conditions, and to enable the local Governments to exempt classes of persons, Districts and parts of Districts from the operation of Sections 25 and 26 of the same Act; It is enacted as follows :—

Repeal of Act No. VI of 1865 and of part of Section 55 of Act No. XXXI of 1860.

Rest of Act No. XXXI of 1860 continued.

1. Act No. VI of 1865 and the second Clause of Section 55 of Act No. XXXI of 1860 are hereby repealed; but the rest of the Act last hereinbefore mentioned shall, subject to the modifications hereinafter mentioned, continue in force from the passing of this Act until the Governor-General of India in Council shall by an order published in the Gazette of India declare otherwise.

Licenses to bear arms may be granted on conditions.

2. The license mentioned in Sections 26, 28, 29 and 30 of the said Act No. XXXI of 1860 may be granted by the Magistrate or other person specially authorized to grant the same, subject to such condition or conditions, if any, as such Magistrate or other person shall think fit; and on breach of any such condition, or failure to comply therewith, such license shall thereupon be null and void.

Amendment of Section 27 of Act No. XXXI of 1860.

3. For the last Clause of Section 27 of the same Act, the following words shall be substituted (that is to say), "Such other persons, classes of persons, Districts or parts of Districts as the Local Government may by notification in the Official Gazette from time to time exempt from such provisions."

Short Title.

4. This Act may be cited as "The Arms' Act Continuance Act, 1866."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 2nd March 1866, and is hereby promulgated for general information :—

ACT No. VII OF 1866.

An Act to extend to the Court of Judicature of Prince of Wales' Island, Singapore and Malacca Act No. XXIII of 1840 *(for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by Authorities in the Mofussil.)*

Preamble.

Whereas it is expedient to extend to the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, the provisions of Act No. XXIII of 1840 (for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by Authorities in the Mofussil); It is enacted as follows :—

Extension of Act.

1. The said Act No. XXIII of 1840 shall be read as if the words "Supreme Courts of Calcutta, Madras and Bombay" included the Court of Judicature of Prince of Wales' Island, Singapore and Malacca: Provided that no writ, warrant or other process shall be endorsed under the said Act by such Court so as to compel the attendance beyond the limits of its jurisdiction of any person living within such limits, unless special grounds be proved to the satisfaction of the Judge of such Court to whom such endorsement shall be applied for in support of the application, which grounds shall be recorded in the endorsement of the writ, warrant or other process.

Proviso.

Service of process issued by one Court to commence a suit or action within the local jurisdiction of another Court.

2. Any summons or other process issued to commence a suit by any High Court, may be served within the local jurisdiction of the said Court of Judicature of Prince of Wales' Island, Singapore and Malacca if endorsed for service by a Judge of such Court of Judicature as hereinafter provided, and any summons or other process issued to commence a suit or action by the same Court of Judicature may be served within the local jurisdiction of any High Court, if endorsed for service by a Judge of such High Court as hereinafter provided. The summons or other process intended for service shall be accompanied by a certificate annexed thereto, signed by a Judge of the Court from which the same is issued, stating some special cause why such summons or other process should be served within the jurisdiction of the High Court or Court of Judicature, as the case may be, and application shall be made to a Judge of such Court, on production of such summons or other process, and of such certificate, prior to such service thereof. On such application being made, it shall be in the discretion of such Judge to require proof by affidavit or otherwise that it is proper to allow such service, and on hearing such proof such Judge shall either endorse the summons or other process for service, or shall endorse thereon the reason for not ordering the service thereof. If such summons or other process be not endorsed for service as aforesaid it shall not be served under this Act. When endorsed for service it shall be served in the same manner as if it had originally issued out of the Court in which such endorsement is made.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 2nd March 1866, and is hereby promulgated for general information :—

ACT No. VIII OF 1866.

An Act further to amend the Schedule annexed to the Code of Criminal Procedure.

Preamble.

Whereas it is expedient further to amend the Schedule annexed to the Code of Criminal Procedure; It is enacted as follows :—

Amendment of Schedule as regards Sections 172, 174, 271, 277, 278, 279, 285, 286, 289, 290, 325, 380, 448 and 451 of the Indian Penal Code.

1. In lieu of the words in the parts of column 7 of the said Schedule respectively referring to Sections 172, 174, 271, 277, 278, 279, 285, 286, 289, 290, 325, 380, 448 and 451 of the Indian Penal Code, there shall be read the words "Any Magistrate."

Amendment of Schedule as regards Sections 392 and 393 of the Indian Penal Code.

2. In lieu of the words in the parts of the said column respectively referring to Sections 392 and 393 of the Indian Penal Code, there shall be read the words "Court of Session or Magistrate of the District."

Nothing in this Act to alter effect of the rest of the Schedule.

3. Nothing herein contained shall be taken to alter the effect which any other part of the said Schedule had immediately before the passing of this Act.

This Act to be read with the Code of Criminal Procedure.

4. This Act shall be read with and taken as part of the Code of Criminal Procedure.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th March 1866, and is hereby promulgated for general information :—

ACT No. IX OF 1866.

An Act to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865" and of Act No. XXIX of 1865.

Preamble.

Whereas it is expedient to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865" and of Act No. XXIX of 1865; It is enacted as follows :—

Power to Sudder Court, N. W. P., to make rules as to Pleaders and Mookhtars of such Court.

1. Notwithstanding any thing contained in "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," the said Sudder Court shall have power to make rules for the qualification, admission and enrolment of proper persons to be Pleaders and Mookhtars of such Court, for the fees to be paid for the examination, admission and enrolment of such persons, and, subject to the provisions contained in the same Act, for the suspension and dismissal of the Pleaders so admitted and enrolled. The said Court may also from time to time vary and add to such rules.

Certain provisions contained in Act No. XX of 1865 and in Act No. XXIX of 1865 to apply to Pleaders and Mookhtars practising in such Court.

2. The provisions contained in Sections 5 to 12 (both inclusive), 14, 15, 18, 37, 39 and 41 of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and in Sections 1 and 2 of Act No. XXIX of 1865, shall, *mutatis mutandis*, apply to Pleaders and Mookhtars practising in the said Sudder Court.

This Act to be read with Act No. XX of 1865.

3. This Act shall be read with and taken as part of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865."

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd March 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight :—

No. 5 OF 1866.

A Bill to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province.

Preamble.

Whereas it is expedient to exempt certain suits in Oude relating to land from the operation of the rules of limitation in force in that Province; It is enacted as follows :—

Bar of certain suits relating to tenures.

1. No suit relating to any tenure and which shall be cognizable in the Civil Courts, or which, under the provisions of Act No. XVI of 1865 *(to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits)* shall be solely cognizable in the Courts of Revenue, shall be barred under the said rules of limitation, if the cause of suit shall have arisen on or after the 13th day of February 1844. And any suit or appeal relating to any tenure and cognizable as aforesaid, which may have been rejected or dismissed upon the ground that the suit was barred under the said rules, may be revived and heard on the merits, if the cause of suit shall have arisen on or after such day.

Bar of redemption-suits when mortgage executed before 13th February 1844.

2. When a mortgagee shall, under or by virtue of a mortgage executed before the said day, have obtained possession of any land comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring a suit to redeem the mortgage of such land, any subsequent acknowledgment of the title or right to redeem of the mortgagor, or of any person claiming through him, notwithstanding. Provided that any suit for the redemption of land, which may have been rejected or dismissed upon the ground that the suit was barred under some rule of limitation in force, or supposed to be in force, in the said Province, may be revived and heard as aforesaid, if the mortgage shall have been executed on or after the said day.

Certain redemption-suits may be revived when the mortgage was executed on or after 13th February 1844.

This Act not to bar redemption-suits where term for redemption had not expired before 13th February 1856.

3. Nothing herein contained shall be taken to bar a suit for redemption in any case where, by the instrument of mortgage, a term was fixed within which the property comprised therein might be redeemed, and such term had not expired before the 13th day of February 1856.

This Act to be read with Act No. XVI of 1865.

4. This Act shall be read with and taken as part of the said Act No. XVI of 1865.

STATEMENT OF OBJECTS AND REASONS.

This Bill has two objects in view :—*First.*—To extend the period of limitation in suits for land in the Revenue Courts; and *second.*—To restrict the period of limitation within which suits can be brought for redemption of mortgages.

The Law of Limitation in Oudh is, for the Revenue Courts, the old Regulation law in force prior to the enactment of Act XIV of 1859.

By this law, in ordinary claims for land, a limitation of twelve years was allowed. Under certain circumstances of force or fraud a suit might be brought within sixty years: and in case of mortgage, there was no limit to suits against the mortgagee (Regulation II. 1805).

But the circumstances of Oudh are exceptional. Possession has been interfered with both by summary settlements under our own rule, and by violence in 1857-58; and the trial of claims has generally been postponed till the regular settlement, which has not yet reached some parts of the Province.

The test for trial of titles to land (apart from titles guaranteed by *sunnud*) has, under these circumstances, been held to be the status existing previous to annexation; and, in order to the determination of that status, it is right that the limitation should be extended for a reasonable period. Following the analogy of the existing law, twelve years has been regarded as fair for the purpose.

In respect of claims against the great landlords holding under *sunnud* from Government, this period was fixed last year by Act XVI of 1865, which provided that no suit relating to a sub-tenure should be barred, if the cause of action arose on or after the 13th February, 1844, that is twelve years preceding annexation of the province.

The object of Sections 1 and 2 is simply to make the same rule applicable to suits for land not relating to sub-tenures. No suit for land will be barred simply because the cause of action arose twelve years from date of suit, if such cause of action were subsequent to 13th February, 1844. Thus the effect of the Bill, in respect of ordinary suits, is to extend the present law of limitation.

But in respect of claims for redemption of mortgage, the action of the Bill will be to restrict the limitation.

As the law now stands, suits might be brought for redemption without any limitation whatever. But, looking to the disorder and anarchy which prevailed in Oudh, it is the opinion of the Chief Commissioner that such a rule is altogether inapplicable. And it has been accordingly limited by Circular Orders to twelve years, although these orders are now found to want the force of law.

It is therefore proposed to apply the same rule to suits for redemption of mortgage as is applicable to ordinary claims; the effect being that suits for redemption will not be permitted if the mortgage were executed prior to the 13th February, 1844, any subsequent acknowledgment of the right of redemption notwithstanding. Where a term had been fixed in the mortgage-bond for redemption, and such term had not expired before the annexation of the Province, a suit will lie for redemption, whateve the date on which the mortgage was executed.

The great majority of the talookdars have waived any objections which they might have had under the terms of their *sunnuds* to this procedure.

W. MUIR.

The 1st February, 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th March 1866, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 7 OF 1866.

A Bill to provide for the Establishment of a Public Museum at Calcutta.

Preamble.

Whereas it is expedient to provide for the establishment of a Public Museum at Calcutta, to be called the Indian Museum; It is enacted as follows:—

Building to be erected for Indian Museum.

1. The Governor General of India in Council shall cause to be erected at the expense of the Government of India, a suitable building in Calcutta on or near the site now occupied by the Small Cause Court, to be devoted in part to collections illustrative of Indian archæology and of the several branches of Natural History, in part to the preservation and exhibition of other objects of interest, whether historical, physical, or economical, in part to the records and offices of the Geological Survey of India, and in part to the fit accommodation of the Asiatic Society of Bengal and to the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings and other property.

Building to be erected according to plans approved by the Secretary to the Department of Public Works and the Council of the Asiatic Society.

2. The said building shall be constructed according to such plans and specifications as shall have been approved of and agreed upon by and between the Secretary to the Government of India in the Public Works Department for the time being and the Council of the said Society; and in case the said Secretary and Council shall be unable to agree with reference to any such plans or specifications, the point or points on which they shall so disagree shall be referred to the final decision of the Governor General of India in Council. Such building shall be completed, so far as to be in a condition to receive the collections mentioned in the eleventh Section of this Act, within five years from the date of the passing of this Act; and the building shall be kept in repair, and the salaries, allowances and pensions of the Officers and servants

and all other expenses connected with the said Indian Museum shall be paid and defrayed, at the expense of the Government of India.

Trustees of the Indian Museum incorporated.

3. The Chief Justice of the High Court of Judicature at Fort William in Bengal,

the Bishop of Calcutta,

the Vice-Chancellor of the University of Calcutta,

the Secretary to the Government of India in the Home Department,

four other persons to be nominated by the Governor General of India in Council,

the President of the Asiatic Society of Bengal and three other Members of the said Society for the time being, to be nominated by the Council of the said Society,

and their successors, appointed as hereinafter directed and subject to the provisions hereinafter contained, shall be and are hereby constituted a Body Corporate by the name of the "Trustees of the Indian Museum," and shall have a common seal, and by such name shall have perpetual succession; and all the powers of the said Corporation may be exercised so long and so often as there shall exist five Members thereof.

Trustees empowered to receive bequests, donations and subscriptions.

4. It shall be lawful for the said Body Corporate to receive bequests, donations and subscriptions of land, buildings, money, and any such objects of interest as aforesaid, and to hold the same and to lay out such money for the purposes of the said Indian Museum in the improvement and enlargement of the collections vested in, presented to or purchased for the said Museum, or deposited therein; and the said Body Corporate shall have the exclusive possession, occupation and control for the purposes of their Trusts herein mentioned of the said building other than those portions thereof which upon its completion shall be set apart by the said Body Corporate for the accommodation of the said Society, and the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings, and other property.

Ex-officio Members.

5. The persons for the time being holding the offices respectively mentioned in Section 3 of this Act shall be ex-officio Members of the said Body Corporate, and shall cease to be such Members respectively upon ceasing to hold the said offices respectively. In the event of any two of the said offices being held by the same person, it shall be lawful for the Governor-General of India in Council from time to time to nominate such other person as to him may seem fit, to be a Trustee under this Act so long as the said two offices shall be held by one person. Provided that when and so often as the said Chief Justice, Bishop, Vice-Chancellor or Secretary to the Government of India in the Home Department shall also be the President of the said Society, the Council of the Society may nominate any other person being a Member of the Society to be a Trustee under this Act so long as such Presidency shall be held by the said Chief Justice, Bishop, Vice-Chancellor or Secretary.

Provision for case of two offices being held by one person.

Power to appoint new Trustees.

6. If any of the said Trustees to be nominated by the Governor-General of India in Council or by the Council of the said Society, or any Trustee appointed as herein provided, shall die or be absent from India for a period exceeding twelve months, or desire to be discharged, or refuse or become incapable to act, then and in every such case it shall be lawful for the Governor-General of India in Council or the Council of the said Society, as the case may be, to appoint a new Trustee in the place of the Trustee so dying or being absent from India or desiring to be discharged or refusing or becoming incapable to act as aforesaid, and every Trustee so appointed shall thereupon become and be a Member of the said Body Corporate as fully and effectually as if he had been hereby constituted a Trustee.

Quorum.

7. At all meetings of the said Body Corporate five shall be a quorum for the transaction of business.

Power to Trustees to make, alter and repeal bye-laws and to appoint officers and servants.

8. It shall be lawful for the said Body Corporate from time to time to make, alter and repeal bye-laws consistent with this Act for the management of the said Museum, for the summoning, holding and adjournment of general and special meetings of Members of the Body Corporate, for securing the attendance of the Members at such meetings, for the provision and keeping of minute-books and account-books, for the compiling of catalogues and for all other purposes necessary for the execution of their Trusts. And (subject to the provision contained in the fifteenth Section of this Act) all officers and servants, salaried or otherwise, employed in the care or management of the Trust property shall be appointed, and may be removed or suspended by the said Body Corporate, subject to such regulations and conditions as such Body Corporate shall think proper.

Trustees may exchange or sell duplicates.

9. It shall be lawful for the Trustees from time to time, to order any duplicates of printed books, medals, coins, specimens of Natural History, or other curiosities to be exchanged for manuscripts, books, or other objects of interest, or to direct any such duplicates to be sold and the money to arise from such sale to be laid out in the purchase of manuscripts, books, maps, medals, coins, specimens of Natural History, or other curiosities that may be proper for the said Museum. But nothing herein contained shall be taken to authorise the exchange or sale of any of the articles mentioned in the fourteenth Section of this Act.

Trustees shall furnish annual reports and accounts.

10. The said Trustees shall furnish to the Government of India, on or before the first day of December in each year, a report of their several proceedings, acts, and ordinances for the past twelve months, and further shall furnish on or before the same day in each year to such Auditor as the Governor General of India in Council shall appoint in this behal. accounts of all monies expended by the Trustees during the past twelve months supported by the necessary vouchers. The said report and accounts shall be annually published for general information

11. The Council of the said Society shall cause the collections belonging to the Society and illustrative of Indian archæology and the several branches of Natural History and all additions that may be made thereto to be removed to the said building, at the expense of the Government of India, as soon as the same shall be completed so far as aforesaid; and such collections shall thereupon, subject to the provisions contained in this Act, become the property of the said Trustees.

Asiatic Society to remove their collections to the new building.

12. The Council of the said Society shall continue to have the same exclusive control over their said Library, Manuscripts, Maps, Coins, Busts, Pictures and Engravings, which they at present possess, and shall have the exclusive possession, occupation and control, for the purposes of the said Society, of those portions of the said building so to be erected as aforesaid, which shall, upon the completion of the said building so far as aforesaid, be set apart by the Trustees for the accommodation of the same Society, and for the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings and other property.

Council of the Asiatic Society to retain their exclusive control over the Library and to have exclusive possession of the portion of the new building to be set apart for the Society.

13. It shall be lawful for the said Society at any time after their said collections shall have been removed to and deposited within the said building so to be erected as aforesaid, to sell, exchange or lease the house, garden, and appurtenances now vested in them, as if this Act had not been passed.

Asiatic Society to have power to dispose of their present house.

14. Every article in the said collections of the said Society shall be marked and numbered and shall be kept and preserved in the said Indian Museum with such marks and numbers, and an inventory of such articles shall be made by the said Society and, on such articles being deposited as aforesaid, one copy of such inventory shall be signed by the said Trustees, and kept by the said Society, and another copy shall be signed by the Council of the said Society, and kept by the said Trustees. And the said Trustees shall see that all such articles are adequately insured against loss or damage by fire (so far as the same are capable of being so insured) and properly preserved at the expense of the Government of India.

Collections of Asiatic Society to be kept distinguished in the Museum.

15. Until the said building shall be completed so far as aforesaid, the said collections of the said Society, and all additions thereto, shall remain in the house in which they are at present, but under the care of such persons as by the said Chief Justice, the Vice-Chancellor of the University, and the President of the said Society shall be approved and nominated in this behalf, with such salaries and allowances as, subject to the approval of the Government of India, the Trustees shall limit and direct; and the said collections shall be open to all persons desirous to view the same, under such rules as by the said Trustees shall be established, and the said salaries and allowances shall be paid by the Government of India.

Custody of the collections of the Asiatic Society until completion of the new building.

16. In the event of the Trust hereby constituted being determined, all collections then in the said Indian Museum which shall have become the property of the said Trustees under the eleventh Section of this Act shall again become the property of the said Society or their assigns, and the said Society shall vacate the portion of the said building which shall have been set apart for their accommodation and the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings and other property; and such portion shall then become the property of the Government of India, anything in this Act contained to the contrary notwithstanding.

In case of determination of Trust, Asiatic Society may reclaim their collections.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to provide for the establishment of a Public Museum at Calcutta, to be called "the Indian Museum;" and the Bill originates in an agreement between the Government of India and the Asiatic Society of Bengal.

By this agreement the Government undertakes to erect a suitable building, to be devoted in part to collections illustrative of Indian Archæology and of the several branches of Natural History, in part to the preservation and exhibition of other objects of interest, in part to the records and offices of the Geological Survey of India, and in part to the exclusive accommodation of the Asiatic Society, and the reception of their library, manuscripts, coins, &c. The Government will also defray the expenses of the establishment of the Indian Museum. The Society, on the other hand, consent to surrender to the Trustees of the Museum their collections illustrative of Archæology and Natural History, provided that if the trust determine, these collections shall revert to the Society.

Besides the clauses necessary to carry out this agreement, the Bill provides for the the incorporation of a body of twelve Trustees and their successors; gives power to appoint new Trustees; declares the quorum of the Body Corporate; enables them to make bye-laws, to appoint officers and servants, and to exchange or sell duplicates; and requires them to furnish annual reports and accounts.

H. S. MAINE.

The 3rd March 1866.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Department (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th March 1866, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 8 OF 1866.

A Bill to empower the Committees appointed under the Seventh Section of Act No. XX of 1863 *to raise the costs and expenses incurred in the performance of their duties, and for other purposes.*

Preamble.

Whereas it is expedient to empower the Committees appointed under the seventh Section of Act No. XX of 1863, *(to enable the Government to divest itself of the management of Religious Endowments)* to raise the costs and expenses incurred in the performance of the duties imposed upon them by the said Act; and whereas it is necessary to provide for the appointment of new Members of such Committees in the place of any such Members desiring to be discharged; It is enacted as follows:—

Power to raise costs of management.

1. It shall be lawful for every such Committee from time to time to pay or cause to be paid out of the income, or to raise or cause to be raised out of the capital, of the property of any religious establishment under their superintendence or management, such sums of money as shall be required to defray the costs and expenses incurred from time to time in relation to or concerning such superintendence or management. Every Trustee, Manager, Superintendent and other person in whom all or any part of such property may be vested shall be bound to make such payments out of the said income, and to execute such conveyances of the said capital as may be necessary to effect the purposes of this Act; and, in default of compliance with any of the provisions of this Section, he shall be liable to a fine of one hundred rupees.

Purchasers and mortgagees not bound to enquire into necessity of sale or mortgage under this Act.

2. No person taking under any sale, mortgage or other disposition purporting to be made under the powers conferred by this Act, shall be bound to enquire into the necessity or expediency thereof, or to see that no more than is required is raised.

Enactment of new Section in lieu of Section 9 of Act XX of 1863.

3. Section 9 of the said Act is hereby repealed, and in lieu thereof the following shall be substituted:—

"Every member of a Committee appointed as aforesaid shall hold his office for life, unless he be absent from India or desire to be discharged, or refuse or become incapable to act, or unless he shall be removed as hereinafter provided; and in every such case a vacancy, within the meaning of the tenth Section of this Act, shall be considered to have occurred."

This Act to be read with Act No. XX of 1863.

4. This Act shall be read with and taken as part of the said Act No. XX of 1863.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, which has been prepared at the request of the Madras Government, is to supply two defects in Act XX of 1863.

The Committees appointed in pursuance of that Act are not empowered to raise out of the property belonging to the religious establishments under their superintendence the expenses necessarily incurred in the performance of the duties imposed upon them by Section 13, although, under Section 14, they are liable to be sued for neglect of those duties. Little difficulty would of course arise if that property were always vested in the Committees; but occasionally in Bengal and universally in Madras, it is now in the hands of the Trustees or Managers of the several Mosques and Temples superintended by the Committees.

Act No. XX of 1863, moreover, makes no provision for the appointment of a new Committee-man in the place of any member of a Committee wishing to resign.

The present Bill empowers Committees to raise the amount required by sale or mortgage of the funds in their hands or in the possession of religious establishments subject to their superintendence, compels the Trustees and Managers of those establishments, if necessary, to join in the disposition, and relieves purchasers and mortgagees from the necessity of enquiring into the propriety of the transaction. It further authorizes the appointment of a new Committee-man, not only in the case above mentioned, but also in that of a member leaving India.

H. S. MAINE.

The 27th February 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th March 1866, and was referred to a Select Committee with instructions to make their report thereon in a fortnight:—

No. 9 OF 1866.

A Bill to relieve the Governor-General of India in Council from the duty of signing the Commissions mentioned in Sections 22 *and* 44 *of the High Courts' Criminal Procedure Amendment Act,* 1865.

Preamble.

Whereas it is expedient to relieve the Governor-General of India in Council from the duty of signing the Commissions respectively mentioned in Sections 22 and 44 of "The High Courts' Criminal Procedure Amendment Act, 1865"; It is enacted as follows:—

Seal to be made.

1. A seal shall be made at the expense of the Government of India with this inscription, "The seal of the Governor-General of India in Council," and

shall be kept in the custody of such person as the Governor-General of India in Council shall from time to time appoint in that behalf, and the Commissions respectively mentioned in Sections 22 and 44 of of "The High Courts' Criminal Procedure Amendment Act, 1865," may be stamped with such seal by such person as the Governor-General of India in Council shall from time to time appoint in that behalf; and when so stamped shall be equally valid and effectual as if they had been signed by the Governor-General of India and the Members of His Council.

Stamping of Commissions under Act No. XIII of 1865, Sections 22 and 44.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to relieve the Governor-General and the Members of his Council from the duty of signing the Judges' Commissions mentioned in Sections 22 and 44 of the High Courts' Criminal Procedure Amendment Act, 1865. In the absence of such provision much inconvenience might arise, for it is impossible to say when the necessity for issuing such Commissions may arise, and the Council might then be absent from the Presidency.

The Bill provides that a proper seal shall be made, that it shall be kept and used by such persons as the Governor-General in Council shall appoint, and that the Commissions stamped with it shall be as effectual as if they had been signed by the Governor-General and the Members of his Council.

H. S. MAINE.

The 6th March 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept., (Legislative).

HOME DEPARTMENT.

No. 2138.

Fort William, the 3rd March 1866.

NOTIFICATIONS.

The following Rules relating to Emigration from the Port of Bombay have been made by the Governor General in Council under the provisions of Section 63 of Act XIII of 1864 and are published for general information in supersession of the Rules published in Notification No. 2027 dated 3rd July 1865 :—

Rules, under Section LXIII of Act XIII of 1864, *relating to the Emigration of Native Laborers.*

1. Proportion of women taken to be not less than 25 per cent. of the number of adult emigrants embarked. Children to be taken at any age if accompanying their parents or relatives, and approved of by the Medical Inspector.

2. During their residence at the depôt the emigrants shall have fifty-four superficial feet each of floor in the dormitories, and shall be provided with sufficient and separate ablution and privy accommodation for each sex.

3. They shall have cooked rations issued to them morning and evening according to the appended Table (vide Appendix A A, Schedule No. 1), the cooking beigg in accordance with the requirements of their various castes or religions.

4. Medical aid shall be provided for them by the Emigration Agency.

5 Before embarkation is permitted, the Medical Inspector, on behalf of the Government of Bombay, will satisfy himself that there is nothing in the state of the health of the emigrants, or in that of the general population of Bombay, to render it unadvisable.

6. Also before the emigrants are permitted to embark, the Protector will see that boats are provided as follows:—Vessels 300 to 500 tons, 4 boats; vessels 500 and under 900 tons, 5 boats. All boats to be in good serviceable condition, completely equipped with sails, oars, &c. One boat to be a long-boat, and one a life-boat; the latter to be hung from the Quarter Davits, ready for lowering at a moment's notice. The yard and stay tackles to be kept ready in the long-boat, so that no delay may occur in hoisting the boat out when necessary to do so. With the exception of the tackles above mentioned and the boat's gear, nothing to be kept in the boat.

7. That four life-buoys are in readiness, one on each bow and one on each quarter.

8. That the vessel is also furnished with a suitable fire-engine or forcepump, with shall be kept in good order in case of fire, and worked from time to time to ensure its being so.

9. Every emigrant vessel to be fitted with four bell mouthed metal ventilators, two forward and two aft—not less than 18 inches in diameter—the mouths of them to be moveable and clear above the rail; and two air-shafts, not less than 3 feet square—one aft, the other forward.

10. A Booby, or slide-hatch, to be fitted for each hatchway, and to be so fitted that they will not be likely to fetch away in the event of meeting with bad weather.

11. A wind-sail to be fitted for each hatchway.

12. Double ladders, facing contrary ways, fitted to each hatchway.

13. Light Spars to be lashed to the midship stanchions, fore and aft, three feet from the deck.

14. A temporary platform shall be built over the long-boat for the sole use of the emigrants. The Protector shall see—

15. That the space to be occupied by the emigrants is perfectly clear, with the exception of the fittings.

16. That the measurement of the deck superficies for the emigrants is exclusive of that portion in midship lying between lines drawn fore and aft, and along the side combings of the hatches.

17. That there are berths for all the emigrants in not more than two tiers, and that there is an interval of at least six inches between the deck and the lower tier in the whole of its extent.

18. That a sick bay is set apart on the lower deck (or under the poop of the vessel) to be divided for the different sexes, the space thus set apart not being included in the space allotted for berthing the emigrant. It should have accommodation for not less than five per cent. of the total number of emigrants embarked.

19. That the sides and upper part of the emigrants' accommodation between decks have been lime-washed.

20. That proper cooking places for the use of emigrants solely are firmly secured on the upper deck.

21. That two scuttle-butts for water for the sole use of the emigrants are placed securely on the upper deck.

22. That necessaries are fitted on board on each side of the upper deck (not in the head) in the proportion of one to every seventy-five adults to be embarked; to have a shoot to carry off the soil clear of the ship's side, and supplied with a can and bucket for drawing water. One of these to be appropriated exclusively to the women and children.

23. That there are secured places for private ablution for women.

24. That there are three refuse tubs, one and a half foot high, with hinged covers, and secured on the emigrant deck—one aft, one forward, and one in the middle.

25. That there are two good lamps or lanterns—one forward and one aft—well secured and made to be locked.

26. Every emigrant ship shall have a duly qualified Master and three Mates, to be approved of by the Protector of Emigrants, and an efficient crew.

27. The description, quantity and quality of provisions, the daily allowance of food, water, &c., to be issued to each emigrant during the voyage, and the nature and amount of clothing to be supplied to each emigrant, will be found in Appendices A A, B B, respectively—Vide Schedules Nos. 1 and 2.

28. The nature, quality and quantity of medical drugs and other stores to be carried on board emigrant vessels in accordance with the scale and list attached hereto, marked C C.—Vide Schedule No. 3.

29. The final examinations of the Medical Inspector and himself proving satisfactory, the Protector will authorize the embarkation of the emigrants.

30. All regulations having been complied with, the Protector will deliver the license to the Agent and Master of the vessel, and then the vessel may proceed on her voyage.

31. The Master will be particular with regard to the ventilation and cleanliness of the vessel, and attend to any suggestions that may be made by the Medical Officer in charge with this view.

32. The Master shall at the beginning of the voyage divide the emigrants into three parties, or watches, one of which shall always be on the upper deck, each watch in its turn remaining there for four hours, and this shall be continued throughout the voyage, except when from rain or stress of weather it is prevented, and such intermission should be noted in the log-book. The watches of females and children should be so arranged as to be only between day-break and sun-set. The sick may be exempted by the Surgeon from remaining on the upper deck.

33. Cleaning parties, in the proportion of 5 to every 100 adult emigrants embarked, to be selected by the Medical Officer, if possible, from men amongst the emigrants accustomed to sea service. Such men to be remunerated on the termination of the voyage with 5 Rupees, if the duty has been performed to the satisfaction of the Medical Officer. Two cooks to every 100 cooking adults embarked, also to be selected, if possible, from men amongst the emigrants accustomed to sea service. Such cooks to receive a remuneration of 10 Rupees each at the end of the voyage, provided the duty has been performed to the satisfaction of the Medical Officer. Two Topasses, or scavengers, shall be engaged by the Master of the vessel expressly for attendance on the emigrants.

34. The refused tubs shall be emptied at the end of each watch, or oftener if necessary, and shall be deodorized.

35. The Master of the vessel shall appoint one of his Officers to attend at the daily issue of provisions and water to the emigrants.

36. The space allotted to emigrants is to be entirely given up to them.

The crew not to be allowed access thereto, except on duty.

37. The upper deck to be kept free from all lumber—in fact of everything but the ship's fittings, the scuttle butts, and cooking places.

38. The two lamps on the emigrant deck shall be kept burning from sunset to sun-rise.

39. Naked lights to be strictly prohibited in any part of the vessel.

Lucifer matches not to be allowed on board.

40. Smoking below to be strictly prohibited.

41. The Master will cause the lower or emigrant deck to be visited from time to time by an Officer of the vessel, who will see that there is no infringement of the rules, and for the prevention of irregularities.

42. There should be allowed to all the emigrants facilities for washing their clothes on at least one stated day of the week.

43. Should the Medical Officer in charge of the emigrants be unable to converse with them in their vernacular language, an Interpreter shall be provided by the Agent of the Ship, or Master, to be approved of by the Protector of Emigrants.

44. The Surgeon or Medical Officer in charge will keep a diary or journal in accordance with the form and instructions provided him by the Medical Inspector General, containing full explanations, as called for by Clause 6 of Section LXIII.

45. He shall inspect the emigrant deck and berths every day, and shall bring to the notice of the Master of the ship any want of cleanliness or obstruction of the ventilation which he may at any time observe, in order that it may be at once remedied.

46. He shall inspect the emigrants every day and during epidemic sickness he shall inspect them morning and evening, in order to separate, or to take under treatment, any that are sick; and he shall take particular care to enforce cleanliness in the bedding, clothing and persons of all.

47. Any suggestions with regard to alterations of diet, or the issue of "extras" made by the Medical Officer in charge, to be duly attended to by the Master, who will enter the same in the official log, the Medical Officer attaching his signature thereto in token of its having been done at his recommendation.

48. In the event of any epidemic or contagious disease breaking out, the parties affected to be immediately separated from the rest of the emigrants and placed in the long-boat, or other sheltered place on deck approved of by the Medical Officer.

Know all men by these presents that I at present residing in Bombay, Mariner and Master, and Commander of the Ship or Vessel called the of the burthen of tons, or thereabouts, am myself, and for the Owners or Owner of the said held and firmly bound unto the Secretary of State in Council of India in the penal sum of Company's Rupees ten thousand, of lawful money of British India, to be paid to the said Secretary of State in Council of India, his certain Attorneys, Agents, Successors or Assignees, for which payment to be faithfully and truly made I for and on my own behalf, and on behalf of the Owners or Owner of the said bind myself, my Heirs, Executors, and Administrators, firmly by these presents, sealed with my seal, and dated this day of in the year of our Lord one thousand eight hundred and sixty .

Whereas an Act, number thirteen of one thousand eight hundred and sixty-four, entitled "An Act to consolidate and amend the laws relating to the Emigration of Native Labourers," has been lately passed by the Honorable the President of the Council in India in Council; and whereas in and by the said Act it is required that the Master of every ship conveying or destined to convey Emigrants from India shall execute a Bond binding himself and his owners in a penal sum of Company's Rupees ten thousand to conform to the several conditions in the said Act provided; and whereas the said hath obtained the necessary license required by the said Act for carrying Emigrants to the Mauritius; and whereas the said hath agreed to execute the Bond required by the said Act for the due performance of the conditions, provisions, clauses, and restrictions therein contained. Now the condition of this obligation is such, that if the above bounden do and shall well and truly in all things abide by, observe, and keep all and singular the conditions, provisions, clauses, and restrictions which on the part and behalf of the said are or ought to be observed, abided by and kept, and which are comprised and mentioned in the said Act, so passed as aforesaid, according to the true intent and meaning of the said Act, then this obligation to be void and of no effect, otherwise to remain in full force and virtue.

Signed, Sealed, and delivered at Bombay in the presence of

Master of the Ship.

License for Emigrant Ships under Section 46 of Act XIII of 1864.

Whereas the Protector of Emigrants at the Port of Bombay has certified to the Government of Bombay that under the rules contained in Section XLII. of 1864, entitled "An Act to consolidate and amend the Laws relating to the emigration of Native Labourers," the Ship burden of tons Master belonging to is capable of accommodating adult persons; and whereas the aforesaid Protector of Emigrants has further certified that the said Master has conformed to the several provisions of the Indian Act XIII of 1864, the Right Hon'ble the Governor of Bombay in Council hereby permits Master of the to receive on board his Ship, and accommodate with a passage to the Mauritius, not more than Natives of India, as Emigrant Labourers for the Island of Mauritius, subject to the provisions of the aforementioned Act of the Government of India No. XIII of 1864.

By order of the Right Hon'ble the Governor of Bombay in Council,

Secretary to the Government of Bombay.

Registered in the Secretary's Office, General Department, as No. of Bombay, the

Registrar.

Emigration Agent's Certificate as required under Section L of Act XIII of 1864.

This is to certify in the case of certain Emigrants proceeding from Bombay to the Mauritius by the British Ship Tons Master.

1*st.*—That I have by personal communication done what is required on my part under Sections XLII and XLIII of Act XIII of 1864, entitled "An Act to consolidate and amend the Laws relating to the emigration of Native Labourers."

2*nd.*—That, in addition to the directions contained in the said Act, all the rules which have been framed under the authority of the Government of India touching Medical attendance and Medical stores to be provided, the daily allowance of food and water to be issued to each Emigrant during the voyage, the proportion of females that should accompany the Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and other matters, have been complied with.

Given under my hand at Bombay this
day of 186 .

Protector of Emigrants.

Protector's Certificate as required under Section L of Act XIII of 1864.

This is to certify, in the case of certain Emigrants proceeding from Bombay to the Mauritius by the British Ship Tons
Master

1*st.*—That I have by personal communication done what is required on my part under Section XLIII of Act XIII of 1864, entitled "An Act to consolidate and amend the Laws relating to the emigration of Native Labourers."

2*nd.*—That all the directions contained in the XLVI, XLVII, and XLVIII Sections of the said Act for ensuring the health and safety of the Emigrants have been duly complied with.

3*rd.*—That, in addition to the directions contained in the said Act, all the rules which have been framed under the authority of the Government of India (according to the LXIII Section of the same Act) touching Medical attendance and Medical stores, and other matters, have been complied with.

Given under my hand at Bombay this
day of 186 .

Emigrant Agent.

Emigration Agent's Pass as per XLII and XLIII Sections.

Emigrant embarked at Bombay on the
day of 186

Name
Father's name
Emigrant's No. in India
Age Years
Sex
Stature Feet Inches
If married, to whom ?
Village
Marks

I hereby certify that the man above described, whom I have engaged as a Labourer on the part of the Government of Mauritius, has appeared before me, and declared his willingness and desire to proceed to work for hire in the Colony of Mauritius.

Countersigned.

Mauritius Emigrant Agent.

Protector of Emigrants.

Form of Copy of Registration to be written on substantial paper as per Sections XXX and XXXIII of Act XIII of 1864, also Certificates of Medical Inspector as per XXXVIII Section, and Certificate of Emigrant Agent, countersigned by Protector, as per XLI Section.

Name of Emigrant.	Sex.	Age.	Stature		Name of Emigrant's father.	Name of place where Emigrant resided.	Emigrant Depôt to which Emigrant is proceeding.	Marks, natural or otherwise.	Rate of Wages per month.					Period of Service.	Remarks.
			F.	I.					First Year.	Second Year.	Third Year	Fourth Year.	Fifth Year.		

Certified that I have examined and passed the above described as a fit subject for emigration having (been vaccinated or had small pox) and being now free from all bodily disease.

(Signed)

Medical Inspector.

(Signed)

Collector, or Magistrate, or Protector of Emigrants, as the case may be.

I hereby certify that above described, whom I have engaged as a labourer on the part of the Government of Mauritius, has declared his willingness and desire to proceed to work for hire in the Colony of Mauritius.

(Countersigned)

Protector of Emigrants.

(Signed)

Emigrant Agent.

Form of Register Book to be kept by Magistrate in the Mofussil, or Protector at Presidency Town, under Sections XXX and XXXIII of Act XIII of 1864.

Name of Emigrant.	Sex.	Age.	Stature.		Marks, natural or otherwise.	Name of Emigrant's Father.	Name of place where Emigrant resided.	Emigrant Depôt to which Emigrant is proceeding.	Rate of Wages per month.					Period of Service.	Remarks.
			F.	I.					First Year	Second Year.	Third Year.	Fourth Year.	Fifth Year.		

A. A.—SCHEDULE.

No. 1.

PROVISIONS FOR EACH ADULT AT THE DEPOT.

Articles.	Daily Quantity.		Remarks.
	lbs.	oz.	
Rice	1	8	
Dâl	0	5	
Ghee or fresh oil	0	1	
Vegetables	0	8	
Salt	0	1	Those who have not been accustomed to eat rice should be allowed the option of having wheaten or bajree cakes in place of part of the rice ration.
Turmeric	0	¼	
Onion	0	1	
Coriander	0	¼	
Chillies	0	½	
Tamarind or Kokum	0	½	
Firewood	2	0	
Tobacco	0	1	

The food should in every instance be issued to the emigrants in a cooked form only.

PROPORTION OF PROVISIONS, FIREWOOD, WATER, &c., NECESSARY FOR A SHIP CONVEYING EMIGRANTS FROM BOMBAY TO MAURITIUS.

For each Man the Ship is licensed to carry.

Articles.	Quantity per Day.		Remarks.
	lbs.	oz.	
Rice	1	8	
Dâl	0	4	
Ghee	0	½	
Salt	0	1	
Turmeric	0	¼	
Onion	0	1	N. B.—The length of voyage to the Mauritius between the months of April to September inclusive five weeks, and between the months of October to March inclusive six weeks.
Coriander	0	¼	
Garlic	0	¼	
Chillies	0	½	
Oil (Mustard)	0	1	
Tobacco (Smoking)	0	1	
Salt Fish	0	2	
Tamarind or Kokum	0	1	
Firewood	2	8	
Water	One Gallon.		
Marine Soap (weekly)	0	4	

For Hindoos, or Non-Cooking Class, instead of Rice and Dholl.

Articles.	Quantity per Day.			Remarks.
	lbs.	oz.		
Powa	2	0	per day.	
Parched Chunna (Gram) or Phootana.	0	5	„	
Sugar	0	4	„	
Ghee	0	½	„	
Salt	0	1	„	
Turmeric	0	¼	„	
Onion	0	1	„	
Coriander	0	¼	„	
Garlic	0	¼	„	
Chillies	0	½	„	
Oil (Mustard)	0	1	„	
Tobacco (Smoking)	0	1	„	
Tamarind	0	1	„	
Marine Soap	0	4	„	
Water...	One Gallon.			

For Occasional Use.

Port Wine	(per 100 Men)	...	½ dozen.
Brandy	(per 100 Men)	...	1 dozen.
Lime-juice	(per 100 Men)	...	1 dozen.
Pumkins	(per 100 Men)	...	80
Biscuit	(per Man)	...	8 oz.
Balo Fruit	(per 100 Men)	...	50
Potatoes	(per 100 Men)	...	3 maunds.
Sheep	(per 100 Men)	...	4
Fowls	(for every 12 Infants) ...	...	24
Preserved Milk	(per 100 Men)	...	6 gallons.
Vinegar	... ...	...	8 gallons.
Milk	Either cow's or goat's, so as to avoid the possibility of death from want of mother's milk, per diem 3 to 6 ounces.		
Sago			
Arrow-root			
Soojee			

When the Medical Officer of the ship shall think it advisable that non-cooking Emigrants be supplied with cooking provisions, or any change made in the diet of the Emigrants, the same to be complied with by the Master and entered in the official Log, the Medical Officer attaching his signature thereto.

Emigrants of ten years and upwards shall receive daily issues of provisions according to the above scale, subject to such changes of dietary as may be ordered by the Medical Officer of the ship.

The provisions for the morning meal shall be issued sufficiently early to allow it to be ready by 9 A. M.; those for the afternoon meal to allow it to be ready by 4 P. M.

All provisions are to be issued by an Officer specially appointed to that duty by the Master of the ship. The issues shall be recorded day by day, in a form supplied for this purpose by the Emigration Agent, to be signed daily by the Issuer and the Medical Officer of the ship.

Whenever cooking shall be prevented by bad weather, or by any other cause, or shall be deemed unadvisable by the Medical Officer, 8 ounces of Powa or Biscuits (at the discretion of the Medical Officer) and 2 ounces of parched pulse or phootana, and 1 ounce of sugar shall be issued to each adult for each meal, in lieu of the cooked provisions.

Children above two and under ten years of age are to receive one-half of the above-mentioned rations.

Every child under two years of age, who has no mother, or whose mother is unable to nurse it, shall receive every day 1 pint of milk, and from 3 to 6 ounces of soojee or sago or arrowroot, at the discretion of the Medical Officer.

Each nursing mother shall receive, besides her ordinary diet, a daily allowance of a pint of milk, and 3 to 6 ounces of soojee or sago, or arrowroot, at the discretion of the Medical Officer.

Fresh bread, at the rate of 8 ounces per adult, shall be issued for breakfast during the first two days of the voyage to such Emigrants as may choose to take it rather than rice.

Memorandum of Articles required in excess of the above.

6 Iron Cooking Pots, medium size, for making curry, &c.
6 Iron Boilers with Covers, large size, for boiling rice, &c.
3 Hatchets for cutting wood.
4 Curry-stones with Rollers, and 4 Iron Ladles.
6 Swabs.
30 Brooms.
5 Buckets for every 100 Tons.
3 Portable Life Buoys.
1 or 2 small Iron Boilers for making changes.

Note.—In addition to the quantities of provisions mentioned in the Lists, five days' full allowance for each Emigrant embarked of non-cooking provisions is to be put on board of the ship for use should bad weather prevent cooking.

B. B.—SCHEDULE.

No. 2.

CLOTHING SUPPLIED TO NATIVE EMIGRANTS FROM BOMBAY TO THE MAURITIUS.

For each Adult Male Emigrant.

1 Cumblie (Native Blanket).
2 Dhotees (Waist Cloths).
1 Cotton Meerzae, or Jacket.
1 Chintz Cap.
1 Tin Plate and 1 do. Mug.
1 Gurnsey Frock.

For each Boy.

1 Cumblie (Native Blanket).
2 Dhotees (Waist Cloths).
1 Cotton Meerzae, or Jacket.
1 Chintz Cap.
1 Tin Plate and 1 do. Mug.
1 Gurnsey Frock.

For each Adult Female Emigrant.

1 Cumblie (Native Blanket).
2 Sarries (Cloths).
1 Tin Plate and 1 do. Mug.
1 Gurnsey Frock.

For each Girl.

1 Cumblie (Native Blanket).
2 Sarries (Cloths).
1 Tin Plate and 1 do. Mug.
1 Gurnsey Frock.

For each Infant.

2 Yards of coarse Cloth for covering.

Note.—About fifteen extra yards of Flannel is also supplied for the whole of the Emigrants on board.

C. C.-SCHEDULE.

No. 3.

THE MEDICINES.

Proportion of Medicines necessary for a ship carrying Emigrants to Mauritius.

N. B.—Double these quantities required for Vessels to the West Indies.

Names of Medicines.	For 100 Men.	For 200 Men.	For 300 Men.	For 400 Men.
Calomel	Three qr. ounce	One ounce	One & half ounce	Two ounces.
Blue Pill	Half ounce	One ounce	One & half ounce	Two ounces.
Rhubarb Powder	One ounce	Two ounces	Three ounces	Four ounces.
Compound Jalap Powder	Two ounces	Four ounces	Six ounces	Ten ounces.
Ipecacuanha Powder	One ounce	One ounce and half	Two ounces and half	Three ounces.
Opium	Two ounces	Four ounces	Six ounces	Eight ounces.
Dover's Powder	One ounce	One ounce and half	Two ounces	Three ounces.
Magnesia	One ounce	Two ounces	Three ounces	Four ounces.
Epsom Salts	Two pounds	Four pounds	Six pounds	Twelve pounds.
Chloride of Lime	Ten pounds	Twenty pounds	Thirty pounds	Forty pounds
Tartar Emetic	Two drachms	Four drachms	Four drachms	One ounce.
Quinine	Two ounces	Two ounces	Four ounces	Five ounces.
Antimonial Powder	Two drachms	Four drachms	Six drachms	One ounce.
Extract of Colocynth Comp.	Four drachms	One ounce	Two ounces and half	Two ounces.
Carbonate of Amonia	Six drachms	One ounce	One ounce and half	Two ounces.
Asafœtida	Four drachms	One ounce	One ounce	Two ounces.
Camphor	Six drachms	One ounce	One ounce	Two ounces.
Camphorated Liniment	Eight ounces	Twelve ounces	Sixteen ounces	Twenty ounces.
Catechou	One ounce	Two ounces	Three ounces	Four ounces.
Prepared Chalk	One ounce	Two ounces	Three ounces	Four ounces.
Tincture of Opium	Four ounces	Six ounces	Eight ounces	Twelve ounces.
Turpentine	Eight ounces	Twelve ounces	Two pints	Twenty ounces.
Senna Leaves	Four ounces	Eight ounces	Twelve ounces	One pound.
Blistering Plaister	Four ounces	Six ounces	Eight ounces	Twelve ounces.
Sulphur Sublimed	Two ounces	Four ounces	Six ounces	Ten ounces.
Sulphur Ointment	Six ounces	Eight ounces	Twelve ounces	One pound.
Linseed Flour	Two pounds	Four pounds	Six pounds	Eight pounds.
Country Soap	Twelve ounces	One pound and half	Four pounds	Three pounds.
Castor Oil	Three bottles	Six bottles	Eight bottles	Twelve bottles.
Oil of Peppermint	One ounce	One ounce	One ounce	Two ounces.
Adhesive Plaister (spread)	One yard	Two yards	Two yards	Two yards.
Simple Ointment	Eight ounces	Twelve ounces	One pound	One pound and half.
Ringworm Ointment	Eight ounces	Twelve ounces	One pound	One pound & quarter
Jeremine's Opiate	1 small oz. phial	2 oz. phial	2 oz. phial	2 oz. phial.
Aromatic Spt. of Hartshorn	Two ounces	Three ounces	Three ounces	Three ounces.
Cubeb's Powder	One pound	One pound	One pound	Two pounds.
Sweet Spirit of Nitre	Eight ounces	One pound	One pound	One pound.
Copaiba	Eight ounces	One pound	One pound and half	One pound and half.
Sulphate of Zinc	Half ounce	Half ounce	Half ounce	Half ounce.
Lunar Caustic	Two drachms	Three drachms	Four drachms	Four drachms.
Turner's Cerat	Two ounces	Three ounces	Four ounces	Four ounces.
Ext. Gentianæ	Half ounce	Half ounce	One ounce	One ounce.
Hy. cum Creta	Half ounce	Half ounce	One ounce	One ounce.
Pulv. Cretæ co—cum opio	Half ounce	Half ounce	One ounce	One ounce.
Tint. Ferri. Sesqchloridi	One ounce	One ounce	Two ounces	Two ounces.
„ Gentianæ	One ounce	One ounce	Two ounces	Three ounces.
„ Columbæ	One ounce	One ounce	Two ounces	Three ounces.
„ Chirettæ	Two ounces	Three ounces	Four ounces	Five ounces.
Potassæ Iodidum	Half ounce	Half ounce	Half ounce	One ounce.
Syrup Scillæ	Two ounces	Three ounces	Four ounces	Five ounces.
Vin. Ant	One ounce	One and half ounce	Two ounces	Two and half ounces.
„ Ipecæ	One ounce	One and half ounce	Two ounces	Two and half ounces.
Acid Sulphuric	Half ounce	Three quarter ounce	One ounce	One and half ounces.
Chlorodyne	Half ounce	Three quarter ounce	Four ounces	One and half ounces.
Pulv. Cinchonæ	Two ounces	Three ounces	Two ounces	Four ounces.
Potassæ Nitras	One ounce	One and half ounce	One ounce	Two and half ounces.
Essence Ginger	Half ounce	Three quarter ounce	One ounce	One and half ounces.
Mustard	One bottle	One bottle	Two bottles	Three bottles.
Macdougall's disinfecting Powder	One cwt.	One cwt	One cwt.	One cwt.
INSTRUMENTS.				
Glass Measure (1 oz.)	One	One	One	One.
Glass Measure (drop)	One	One	One	One.
Pestle & Mortar (Wedgewood)	One	One	One	One.
Scales and Weights (Grains)	One Set	One Set	One Set	One Set.
Splints (common)	One Set	One Set	One Set	One Set
Lint (prepared)	Two ounces	Three ounces	Four ounces	Six ounces.
Cloth for Bandages	One piece	Two pieces	Two pieces	Two pieces.
Lancets (bleeding)	One	One	Two	Two.
Silver Catheter (middle size)	One	One	One	One.
Spatula	One	One	One	One.
Scissors, Dressing	One	One	One	One.
Infusion Pots	One	Two	Two	Two.
Bed Pans (Metal)	Two	Two	Three	Three.
Country Paper	One quire	One quire	Two quires	Two quires.
Penknife	One	One	One	One.
Sago	Five pounds	Ten pounds	Thirty pounds	Twenty pounds.
Arrow-root	Five pounds	Ten pounds	Fifteen pounds	Twenty pounds.
Small Tin Box	One	One	One	One.
Leeches				
Enema Syringe pewter lb. 1 with 2 spare pipes	One	One	One	One.

I hereby certify that medicines according to the abovementioned scale have been shipped on board the for the use of Emigrants proceeding to the Mauritius.

No. 2172.

The 6th March 1866.

The following acting appointments in the Telegraph Department have been sanctioned with effect from the 1st January 1866 :—

Mr. H. E. Thompson, 1st Assistant Superintendent, to officiate as Superintendent, vice Brooke, on leave.

Mr. T. Blissett, 1st Assistant Superintendent, to officiate as Superintendent, vice Galbraith, on leave.

Mr. W. K. D Bignell, 1st Assistant Superintendent, to officiate as Superintendent, vice Bence, on leave.

Mr. J. M. Lane, 1st Assistant Superintendent, to officiate as Superintendent, to fill existing vacancy.

No. 2196.

Mr. E. G. Fraser, Civil Judge of Lucknow, has been granted the usual leave from the 28th February, or from such date as he may avail himself of it, to proceed to Bombay, preparatory to applying for sick leave to Europe.

No. 2197.

Fifteen months' leave to Europe, on medical certificate, has been granted to Mr. E. G. Fraser, Civil Judge of Lucknow, from such date as he may avail himself of the same.

No. 2198.

Appointment.—Mr. R. H. Smith, Principal Sudder Ameen of Benares, is appointed to officiate as Civil Judge of Lucknow during Mr. Fraser's absence, or until further orders.

No. 2200.

The privilege leave obtained by Major B. Ford, Superintendent of Port Blair, as notified under date the 13th ultimo, No. 1419, is extended from two to three months.

No. 2203.

In supersession of the Order of the 15th February, No. 1550, the Governor General in Council is pleased to invest Major A. C. D. Ryder, Cantonment Magistrate of Jubbulpore, in the Central Provinces, with the powers of a Magistrate, as described in Chap. II, Sec. 22 of Act XXV of 1861, within the limits of the District of Jubbulpore.

No. 2205.

It is hereby notified for general information that His Excellency the Governor General in Council has sanctioned the establishment of a Small Cause Court in the City of Lucknow for the hearing of suits cognizable by such Courts under the provisions of Act XLII of 1860.

No. 2206.

Appointment.—Mr. F. Lincoln is appointed Judge of the Small Cause Court in the City of Lucknow.

No. 2231.

The 8th March 1866.

Notification No. 836, dated the 25th of January, is hereby cancelled, and the Reverend T. A. C. Pratt, of the Madras Ecclesiastical Establishment, is appointed Chaplain of Seetabuldee, in the Central Provinces.

No. 2257.

The 9th March 1866.

Dr. R. T. Abbott, Inspector of Jails in the Central Provinces, has obtained privilege leave of absence for three months, from the 7th April next, or from such subsequent date as he may avail himself of it.

No. 2259.

The services of the Reverend M. R. Burge, Chaplain of Lucknow, are placed at the disposal of the Government of Bengal.

No. 2264.

The Reverend J. Sharkey, Chaplain of Meerut, has obtained 18 months' furlough to Europe, from the date of the expiry of the preparatory leave granted to him by the Government of the North-Western Provinces.

No. 2268.

Under Section 12 of Act II of 1857 the Governor General in Council is pleased to authorize the affiliation to the Calcutta University in Arts of Christ Church School, Cawnpore, from the 1st of January last.

No. 2271.

The three months' privilege leave granted to the Reverend A. Taylor, Chaplain of Kamptee, by the Lord Bishop of Calcutta, is confirmed.

No. 2273.

The following "Notice to Mariners" is published for general information :—

Notice to Mariners.

Doubts having been expressed as to the accuracy of the Longitudes assigned to the Andaman Islands, on the existing Charts, notice is hereby given that the Longitude of Chatham Island, Port Blair, has been recently determined to be 92°43′ East of Greenwich; whereas in the Chart of the Andaman Islands, which is compiled from the Surveys of Lieutenant Blair and Captain Moorsom in 1789-90, revised by Lieutenant Heathcote in 1853, it is assumed to be 92° 56′. The whole group of islands is probably 13 miles west of the position that has hitherto been accepted.

The recent determination of the position of Chatham Island is deduced from 202 observations of Lunar Zenith Distance, and 29 Culminations observed by Mr. Nicolson, of the Survey Department, with an Alt-Azimuth Instrument, having a verticle circle 36 inches in diameter. They were reduced in the Office of the Great Trigonometrical Survey of India.

CALCUTTA,
The 22nd February 1866.

(Sd.) J. T. WALKER, *Lieut. Col*, R. E.,
Supdt., G. T. Survey.

No. 2274.

Mr. H. T. Prinsep resumed charge, on the afternoon of the 28th ultimo, of his duties as Registrar of the High Court, Appellate Jurisdiction, from Mr. G. G. Morris.

No. 2275.

The Governor General in Council is pleased to grant to the Reverend F. O. Mayne, Chaplain on the Bengal Establishment, permission to proceed to England on furlough for the period of three years, with effect from the date on which he may avail himself of the same.

No. 2289.

The Governor General in Council is pleased to appoint the under-mentioned Gentlemen to be Fellows of the University of Calcutta :—

The Hon'ble John Budd Phear.

The Reverend John Barton, M. A.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

GENERAL.

No. 340.

Fort William, the 6th March 1866.

Lieutenant H. W. Hastings of the Royal Artillery, (Madras), is appointed to be an Assistant Commissioner of the 3rd Class in Oudh.

No. 344.

Mr. P. A. Walker, Extra Assistant Commissioner in Oudh, reported his return to India on the 2nd instant from the leave granted him in G. O. No. 1337, dated 21st November 1864, and is allowed the usual leave to rejoin his appointment.

No. 347.

Mr. C. Lindsay, Deputy Commissioner of Mohumdee, in Oudh, is granted twenty-six days' preparatory leave of absence, from the 15th instant, to enable him to reach the port of embarkation.

No. 349.

Captain E. Thompson, Deputy Commissioner and Settlement Officer of Seetapore, in Oudh, has been granted twenty-one days' leave of absence from the 19th ultimo, to proceed to Calcutta preparatory to applying for leave to Europe on medical certificate.

Mr. O. Wood, Assistant Settlement Officer, will officiate as Settlement Officer during Captain Thompson's absence.

No. 351.

Mr. H. S. Reid, Commissioner of the Baiswarra Division in Oudh, is transferred to the Fyzabad Division, of which he assumed charge on the forenoon of the 21st ultimo.

Major J. Perkins, Deputy Commissioner of Sultanpore, will officiate as Commissioner of the Baiswarra Division as a temporary arrangement.

No. 353.

Major J. Reid, Secretary to the Chief Commissioner of Oudh, is appointed to officiate as Commissioner of the Khyrabad Division.

No. 364.

The 8th March 1866.

Mr. A. M. Russell, Officiating Settlement Officer of Nursingpore, in the Central Provinces, has been granted privilege leave of absence for one month from the 15th ultimo, or from the date on which he may avail himself of it.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 1111.

Fort William, the 5th March 1866.

NOTIFICATIONS.

The following Statement of the Silver received and coined in the Mints of Calcutta, Madras, and Bombay, in January 1866, is published for general information :—

	CALCUTTA.			MADRAS.			BOMBAY.		
	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.	Bullion or Coin received during the month, valued in Rupees.		Coined and examined during the month, valued in Rupees.
	Govt.	Merchts.		Govt.	Merchts.		Govt.	Merchts.	
In January 1866...	52,450	80,57,044	1,15,76,307	4,865	8,54,608	10,90,000	...	1,54,16,865	1,19,96,569

No. 1145.

The 6th March 1866.

The Governor General in Council has been pleased to appoint Mr. George Ross to be a Member of the Currency Commission now sitting, in succession to Mr. Anderson, who has resigned.

No. 1172.

The 8th March 1866.

Lieutenant Colonel J. A. Ballard, C. B., Master of the Bombay Mint, received charge of the Office of Master of the Calcutta Mint from Surgeon Major J. F. Shekleton, on the afternoon of the 6th instant.

No. 1173.

Surgeon Major J. F. Shekleton received charge of the Office of Assay Master of the Calcutta Mint from Assistant Surgeon H. W. Graham, on the afternoon of the 6th instant.

No. 1178.

In continuation of Notification No. 300, dated the 19th January last, the following Statement of Cash Balances, as reported up to this date in the Government Treasuries in India, at the close of the month of December last, contrasted with that of the previous years, is published for general information :—

	December 1863.	December 1864.	December 1865.
	Rs.	Rs.	Rs.
Govt. of India ...	3,20,99,062	1,42,99,098	2,44,82,342
Bengal	1,86,25,314	1,63,89,849	1,20,86,735
British Burmah			26,60,211
N. W. Provinces	3,20,50,495	2,59,43,248	2,25,55,115
Oudh ...			57,27,651
Punjab	1,14,54,059	1,35,88,128	1,08,67,031
Bombay	1,79.54,770	1,72,31,675	1,99,07,029
Central Provinces...	37,24,485	38,60,085	39,73,844
Deccan	22,97,921	7,74,041	19,11,721
Madras	3,10,79,704	1,96,96,963	1,53,96,843
Total ...	14,92,85,810	11,17,83,087	11,95,68,522

No. 1187.

The 9th March 1866.

Lieutenant Colonel J. A. Ballard, C. B., Officiating Master of the Calcutta Mint, received charge of the Department of Issue of Paper Currency from Surgeon Major J. F. Shekleton, on the afternoon of the 6th instant.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 5th March 1866.

No. 213 *of* 1866.—The following Military letter from the Right Hon'ble the Secretary of State for India, No. 27 dated 31st January 1866, is published for general information :—

MILITARY. INDIA OFFICE,
No. 27. *London, 31st January* 1866.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,

1. The under-mentioned Officers and Warrant Officer have been permitted to return to their duty, viz. :—

Major W. C. Green.
" J. H. Jenkins.
Captain L. B. J. Davies, per "Bucentaur."
Lieutenant A. Vivian.
" R. D. Osborn.
Assistant Apothecary J. E. Lovegrove, per "City of Brussels."

2. The under-mentioned Officers have been granted extensions of leave for the periods specified, viz. :—

Major G. H. Gordon ... 6 months
Assistant Surgeon H. Thom, 6 "

3. Lieutenant R. Milne, who left India in an unsound state of mind in January 1865, and whose case was reported in paragraph 10 of your letter No. 58 of 1865, has been granted twenty months' leave on sick certificate, commencing from the date of his leaving Calcutta.

4. The retirement of Surgeon Major F. Douglas has been antedated to the 19th July 1865.

5. Intelligence has been received of the death of the following Officer on the date named, viz. :—

Lieutenant General G. E. Gowan, C. B., Royal (Bengal) Artillery, on the 20th December 1865. The vacancy thus caused amongst the Officers drawing Colonels' allowance will lapse under the provisions of the 5th paragraph of my Despatch No. 29 of 1861.

I have, &c.,
(Sd.) C. WOOD.

No. 214 *of* 1866.—Captain Edward Thompson, of the Bengal Staff Corps, Deputy Commissioner, Oudh, is permitted to proceed to the Neilgherry Hills on medical certificate, and to be absent from Bengal on that account for nine months.

No. 215 *of* 1866.—The under-mentioned Soldier of Her Majesty's service is permitted to reside and draw his pay in India as an Out-pensioner of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of his Pension :—

Private William Parsons, of the 101st Foot.

No. 216 *of* 1866.—The following promotions are made in the under-mentioned Corps of the Native Army:—

Corps.	Rank and Names.	To what Rank promoted.	From what date.	In whose room.
31st Punjab Regiment Infantry.	Jemadar Prem Sing	Subadar ...	13th Nov. 1865	Mahee Khan, deceased.
	Havildar Sawun Sing	Jemadar ...	" "	Prem Sing, promoted.

No. 217 *of* 1866.—The Head Quarters of the 80th Foot having embarked for England per Ship "Durham," on the 24th ultimo, the Regiment is struck off the strength of the Bengal Presidency from that date.

No. 218 *of* 1866.—With reference to Government General Order No. 497 of the 18th May last, the following Notification from the Foreign Department is re-published for general information:—

No. 42, *dated* 27*th February* 1866.—In consequence of the administration of the Chief of Jhabooa having been favorably reported, His Excellency the Viceroy and Governor General in Council has been pleased to restrict the operation of Notification No. 179 dated 15th May 1865, depriving that Chief of the privilege of a salute, to the term of one year from the above date.

No. 219 *of* 1866.—The following promotions are made:—

Ordnance Commissariat Department.

Supernumerary Sub-Conductor Thomas Farmer, employed in the Harness and Saddlery Depôt at Cawnpore, to be Supernumerary Conductor from the 15th February 1866.

Sub-Conductor (Officiating Conductor) George White to be Conductor from the 15th February 1866, vice Conductor Bateman, admitted to Pension.

Sub-Conductor Thomas Scott to officiate as Conductor, vice White promoted, and in room of Ford employed in the Timber Agency.

No. 220 *of* 1866.—The usual Annual Examination is to be held, as soon as practicable after the receipt of this Order, in each of the Stations of the Bengal Presidency to which Deputy Inspectors General of Hospitals are attached, for the purpose of filling up vacancies in the Military Class of the Medical College. The College Session commences on the 15th June.

2. All candidates will be required to possess a knowledge of the Hindoostanee language, sufficient to enable them to read and write common letters and petitions, and Hospital Registers of Sick, in the Devanagri or Persian character, and to converse with a Sepoy in the Hindoostanee language.

3. Although a knowledge of English will not be insisted on in all cases, a preference in selection is to be given to those candidates who possess a competent knowledge of English, in addition to Hindoostanee.

4. The preference in selection, attainments being equal, will also be given to those who have already been attached to or served in Civil or Regimental Hospitals. Beyond this, preference will not be given to men of any particular class; but respectable young men, especially those educated in the Schools of Behar, the North-Western Provinces, and the Punjab, are encouraged to offer themselves, bringing Certificates of character and acquirements from the Inspectors or Head Masters of the Schools.

5. Those holding such recommendations from the School Authorities, and Certificates of physical fitness from the nearest Medical Officers, will not be required to appear before the Committees. As, however, the number who can be admitted to the College from each Division is very limited, it is necessary that the School Authorities should send the papers of all candidates, as soon as possible after the promulgation of this Order, to the Deputy Inspector General of the Division, who, the recommendations being equal, will select, in preference, those whose nominations are earliest received.

6. The Examination is equally open to the sons of Soldiers and of persons engaged in Civil occupations.

7. The candidates must be between the ages of fifteen and twenty years.

8. No candidate will be allowed to present himself for examination who is physically unfit for the duties of a Soldier, and who cannot produce a written Testimonial of his conduct and character. The strictest care and attention are to be exercised in examining the Credentials of all candidates, who will, in addition, be required to bring regular Descriptive Rolls, in order that they may identified.

9. The Deputy Inspector General of Hospitals is to prepare a General Roll (in the Form hereafter given) of all candidates, to be laid before the Committee, the qualification Columns being left blank for the Committee to fill up.

10. Committees for the examination of candidates will be convened by the Officer Commanding the Station, upon the requisition of the Deputy Inspector General of Hospitals, and will consist of two Medical Officers and an Interpreter.

11. These examinations are final as regards the admission of the candidates into the Medical College, no subsequent examination in the College of Fort William being required.

12. Each passed candidate is to be furnished by the Deputy Inspector General of Hospitals with a Descriptive Roll in the subjoined Form, which he is to present to the Principal of the College and

which will be his warrant for admission as a student :—

Descriptive Roll of a Candidate for Examination for a Studentship in the Military Class of the Medical College.

(Here insert station and date.)

Name.	Age.	Caste.	Father's Name	City, Town, or Village.	District or Pergunnah	Character from Testimonials.	Hindoostanee Qualifications	English Qualifications.
		Mussulman or Hindoo.	...	...	...	Good	Persian or Devanagri Superior ... Good ... Fair ... As the case may be.	None. Superior. Good, Fair. As the case may be.

(Signed) A. B., *Surgeon, President.*
" C. D., *Surgeon, Member.*
" E. F., *Lieut. and Interpreter.*
" G. H., *Deputy Inspector General of Hospitals, Division or Circle.*

13. All pupils must, as a condition of their appointment, reside within the College premises at all times, and never be absent from morning and evening muster without special leave.

14. All students of the Military Class, who, on leaving College, after having passed through their studies with credit, shall be certified to possess a competent knowledge of the English language, including Orthography, the meaning of words, writing from Dictation, and Simple Arithmetic as far as the Rule of Three, will be allowed, in addition to his pay, Rs. (5) five per mensem.

15. All students of the Military Class are amenable to the Articles of War, and regularly enlisted as Soldiers.

16. Successful candidates will be provided with a 3rd Class free passage by Rail or by Steamer, as the case may be.

17. Military Class students, while at the College, will receive a stipend or allowance of Rs. (6) six per mensem.

18. No deduction will be made for Uniform.

19. The pay of Military Class Native Doctors, on appointment to the service, is fixed at Rs. 20 a month in Garrison or at a Civil Station, and Rs. 25 a month in the Field, of which sums Rs. 5 are to be considered as Batta, and deducted when on leave of absence from Corps and Civil Stations.

20. Upon their admission they are to enter into an engagement to serve the Government as Native Doctors, as vacancies may occur, for a period of not less than seven years from the time of their leaving the Medical College in that capacity, unless prevented serving that period by physical inability proved before a Medical Committee and certified accordingly After a service of seven years, they may demand their discharge *in time of peace.*

21. In the event of their continuing to serve, their allowances will, after seven years, and upon undergoing a successful examination, be advanced to Rs. 25 in Garrison or at a Civil Station, and Rs. 30 in the Field.

22. A Native Doctor, who, from wounds or injuries received on service, shall become no longer fit to serve, will be entitled, at any period less than fifteen years, to an Invalid Pension of Rs. 12 per mensem; after fifteen years, to one-half of his Field Pay if in the Military, and of his Garrison Pay if in the Civil, Branch of the Service; after twenty-two years, to the whole of his pay.

23. If invalided under ordinary circumstances of inability to perform his duties, a Native Doctor will be entitled, at the expiration of fifteen years, to a pension of Rs. 10 per mensem, and after twenty-two years, to one-half of his Field or Garrison Pay, agreeably to the Branch of the Service in which he is employed.

No. 221 *of* 1866.—Jemadar Lehna Sing, of the 6th Regiment Bengal Cavalry, is permitted to resign the Service from the date of publication of this Order at the Head Quarters of the Corps.

No. 222 *of* 1866.—The leave of absence to proceed to Bombay granted to Lieutenant J. Upperton, Bengal Staff Corps, and 2nd Squadron Officer, 19th Bengal Cavalry, in Government General Order No. 165 of the 21st ultimo, is to be held to have effect from the 24th instead of from the 9th instant.

No. 223 *of* 1866.—The under-mentioned Officer having completed the prescribed period of service as Lieutenant Colonel, to be Colonel in the Army from the date specified opposite to his name, subject to the approval of Her Majesty :—

BREVET.

To be Colonel in the Army.

Lieutenant Colonel James Mackillop Taylor, of the Bombay Cavalry.	6th Feb. 1866.

The 6th March 1866.

No. 224 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment :—

PUNJAB FRONTIER FORCE.

6th Infantry.

Assistant Surgeon B. Knowles, M. B., to the Medical charge, in room of Assistant Surgeon F. G. Constant, M. D., whose services are placed at the disposal of His Excellency the Commander-in-Chief for nomination to another Regiment.

No. 225 *of* 1866.—The following Order issued by the Resident at Hyderabad is confirmed :—

No. 24, *dated* 15*th February* 1866.—Permitting Lieutenant G. B. Farrington, Paid Doing-duty Officer and Officiating Adjutant, 2nd Cavalry Hyderabad Contingent, to visit Bombay, preparatory to proceeding on leave to Europe on medical certificate.

The 7th March 1866.

No. 226 *of* 1866.—Captain John Grant Sombre Matheson, of the late 2nd European Bengal Fusi-

liers, is permitted to proceed to Australia on medical certificate, and to be absent from Bengal on that account for two years under the old Regulations.

No. 227 *of* 1866.—Sergeant William Jack, Overseer of the Gun Foundry at Cossipore, is promoted to the rank of Sub-Conductor Supernumerary in the Ordnance Commissariat Department, with effect from the 17th January 1866, and will stand immediately below Officiating Sub-Conductor N. Thorburn, of that Department.

No. 228 *of* 1866.—The under-mentioned Officer is admitted to the Bengal Staff Corps from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant (Brevet Captain) Willoughby Charles Stanley Clarke, of the late 37th Regiment Native Infantry, Assistant Commissioner, Cossyah and Jynteah Hills, now Officiating Deputy Commissioner.	1st Sept. 1865.

No. 229 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Bombay.
Captain (Brevet Major) G. R. Westmacott, of the Bengal Staff Corps, 2nd in Command, 1st Cavalry Hyderabad Contingent.	10th Feb. 1866.

	Date of arrival at Fort William.
2nd Captain E. T. Thackeray, V. C., of the Royal Engineers, Executive Engineer, 4th Grade, Department of Public Works, Allahabad.	10th Feb. 1866.
Lieutenant G. R. Hennessy, of the Bengal Staff Corps. Lieutenant M. H. Heathcote, of the Bengal Staff Corps. Captain (Brevet Major) G. B. Mainwaring, of the late 16th Regiment Native Infantry. Lieutenant A. C. Padday, of the Royal Engineers.	2nd March 1866.

The 8th March 1866.

No. 230 *of* 1866.—Captain John Adrian Vanrenen, of the late 54th Regiment Native Infantry, Wing Officer, 38th (The Agra) Regiment Native Infantry, is permitted to retire from the service on the pension of his rank from the 10th instant.

No. 231 *of* 1866.—The under-mentioned Non-Commissioned Officer is admitted to pension as specified opposite to his name :—

Sergeant Michael Duggan, of No. 1 Garrison Battery Bengal Artillery.	2*s.* per diem, payable in Europe.

No. 232 *of* 1866.—Major (Brevet Colonel) Charles Cureton, of the Bengal Staff Corps, Commandant, 15th Bengal Cavalry, is allowed leave of absence from 25th February to the 31st March 1866, to visit Bombay, preparatory to applying for leave to Europe on medical certificate.

No. 233 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs :—

Captain (Brevet Major) Charles Bazil Gibbons Bacon, of the late 3rd European Regiment, Cantonment Magistrate, Jhansie.	For 2 years under the new Regulations.
Lieutenant (Brevet Captain) Francis Hallowell Inglefield, of the late 38th Regiment Native Infantry.	For 3 years under the old Regulations.

No. 234 *of* 1866.—Third Class Sub-Assistant Surgeon Monohur Dutt is dismissed from the service.

No. 235 *of* 1866.—Under the authority of the Right Hon'ble the Secretary of State for India, Lieutenant (Brevet Captain) Alfred Whiting, Cadre of the late 59th Regiment Native Infantry, is removed from the service, with effect from the 3rd instant, and he is granted a compassionate allowance of 4 shillings per diem.

No. 236 *of* 1866.—The under-mentioned Officer having completed twenty years' service, six years of which were on permanent staff employ, to be Major, from the date specified under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Captain Thomas Taylor ...6th March 1866.

No. 237 *of* 1866.—The under-mentioned Officers having completed twelve years' service, four years of which were on permanent staff employ, to be Captains, from the dates specified, under the Royal Warrant of the 16th January 1861, subject to Her Majesty's approval :—

Bengal Staff Corps.

Lieutenant Montague Charles Perreau.	4th Feb. 1866.
Lieutenant James Nicholas Brutton Hewett.	4th March 1866.

Memo.—The promotion of Lieutenant Perreau to the rank of Captain by Brevet, published in Government General Order No. 180 of 1866, is hereby cancelled.

No. 238 *of* 1866.—The following promotions are made from the dates specified, under the operation of Government General Order No. 632 of the 4th August 1864, para. 69, subject to Her Majesty's approval :—

BREVET.

To be Colonels.

Lieutenant Colonel Herbert Edward Stacy Abbott, Bengal Infantry.	18th Feb. 1866.

Lieutenant Colonel Samuel Brougham Faddy, Bengal Infantry.	9th March 1866.

To be Lieutenant Colonel.

Major Hugh Lowman Pester, late 63rd Native Infantry.	8th March 1866.

Memo.—The promotion of Major J. S. Phillpotts, late 66th Native Infantry, to the rank of Lieutenant Colonel by Brevet, published in Government General Order No. 180 of 1866, is cancelled.

No. 239 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointments :—

Pay Department.

Captain (Brevet Major) A. E. Osborn, of the late 45th Native Infantry, to be 2nd Examiner, Pay Department, subject to passing the Departmental Tests laid down in Government General Order No. 531 of the 27th June 1864, vice Captain Aubert, who vacates, having proceeded to Europe on leave under the old Regulations.

Captain H. D. Battye, Pension Pay Master, Meerut Circle, to officiate as Pay Master, Presidency Circle, during the absence on sick leave to Europe of Lieutenant Colonel Mundy, or until further orders.

No. 240 *of* 1866.—The following extract from the *London Gazette* of the 21st November 1865, is published for general information :—

46th Foot.—Captain and Brevet Major James Burnie Lind, from the Bengal Staff Corps, to be Captain, vice Brevet Major John James Hood Gordon, transferred to the Bengal Staff Corps, dated 21st November 1865.

No. 241 *of* 1866.—The following promotion is made subject to Her Majesty's approval :—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
Cadre of the late 24th Native Infantry.	Lieut. (Captain in Staff Corps) Henry Fowler Newmarch.	Captain...	21st Nov. 1865.	Captain (Brevet Major) J. B. Lind (Staff Corps) transferred to the 46th Foot.

The 9th March 1866.

No. 242 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain and Brevet Major Richard Chaloner Lindsey, of the late 24th Regiment Native Infantry.	For 20 months, under the new Regulations.
Major (Brevet Colonel) James Macleod Bannatyne Fraser-Tytler, C. B., of the Bengal Staff Corps.	For 12 months.

No. 243 *of* 1866.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Major Charles Walters D'Oyly, of the Bengal Staff Corps, Deputy Superintendent of Studs, North-Western Provinces, on leave for twenty months, Government General Order No. 209, dated 2nd March 1866.	"Erymanthe" 4th March 1866.
Lieutenant William Arthur Stopford De Vere Beauclerk, of the General List, Cavalry, Adjutant, 7th Bengal Cavalry, on leave for twenty months, Government General Order No. 1004, dated 3rd November 1865.	"Mooltan," 13th Nov. 1865.
Surgeon Alexander Christison, M. D., of the Medical Department, Principal Assistant to the Opium Agent, Benares, on leave for 20 months, Government General Order No. 209, dated 2nd March 1866.	"Meinam," 4th March 1866.
Lieutenant Colonel Charles Fitzroy Miller Mundy, of the Bengal Staff Corps, Presidency Paymaster, on leave for 20 months, Government General Order No. 146, dated 15th February 1866.	"Meinam," 4th March 1866.

No. 244 *of* 1866.—His Excellency the Governor General in Council is pleased to appoint Inspector General of Hospitals F. S. Arnott, M. D., C. B., of the Bombay Medical Department, to be President of the Commission convened under Government General Order No. 1084 of the 22nd November 1865, vice Mr. J. Strachey, C. S., whose services were placed at the disposal of the Foreign Department in Government General Order No. 195 of 27th February 1866.

No. 245 *of* 1866.—With the sanction of the Right Hon'ble the Secretary of State for India, His Excellency the Governor General of India in Council is pleased to confer the rank of Ressaldar Major upon the Senior Ressaldar in all Regiments of Native Cavalry on the new organization, with the same pensionary advantages as are enjoyed by Subadar Majors, but without any increase of pay when serving.

No. 246 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Lieutenant Colonel George Cliffe Hatch, of the Bengal Staff Corps, Judge Advocate General.	For 20 months.
Lieutenant Colonel Solomon Richards, of the Bengal Staff Corps, Commandant, 31st (Punjab) Regiment Native Infantry.	For 20 months.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

Calcutta, the 7th March 1866.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned Officers, Warrant Officers, and Soldiers, as specified in the Statements published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice.

Statement of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned and Warrant Officers and Soldiers of Her Majesty's Indian Military Service, in the month of February 1866.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed amount deposited.	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange
	Commissioned Officers.						Rs. A. P.		Rs. A. P.					
9th Feb. 1866	(a) William Thomas Garstin ...	Brevet Major and Captain ...	Late 70th N. I. ...	...	31st May 1865	Intestate	300 0 0	...	300 0 0					
16th " "	(b) Robert Charnley Squire Charles Tytler ..	Lieutenant ...	General List of Infantry	..	14th July "	Testate	1,533 5 0	..	1,533 5 0					
19th " "	(c) James Charles Hamilton ...	Captain ...	Late 6th European Regt., Doing-duty with 45th N. I. ...	...	5th " "	Intestate	61 2 11	...	61 2 11					
21st " "	——— Piercy ...	Major ...	... ... Not Communicated ..			...	78 14 8	...	78 14 8					
" " "	——— Temple ...	Captain ...					78 14 8	...	78 14 8					
" " "	——— Good ...	Lieutenant ...					78 14 8	...	78 14 8					
	Warrant Officers.													
9th " "	(d) Walter Deardon ...	Hospital Apprentice	Subordinate Medl. Dept.	...	11th Oct. 1865	Intestate	86 9 9	...	86 9 9					
" " "	(e) Henry Mann	Conductor ...	Ordnance Department ...	...	7th Jan. 1866	Ditto	415 9 0	...	415 9 0	415 9 0				
	Soldier.													
5th " "	(f) James Wilkins ...	Private ...	Unposted Bengal Cavy....	...	30th Sept. 1858	Not known	60 3 11	...	60 3 11	...	.	60 3 11	6 3 0	
					Rupees	...	2,693 10 7	...	2,693 10 7					

(a) Next of kin, mother, name unknown, No. 4, Painswick Lawn, Cheltenham.
(b) Next of kin, mother, Mrs. Ellen, East-field Houghton, Kingsclose, Barnstaple, Devonshire, England.
(c) Widow, Mrs. J. M. Hamilton; children, names not known.
(d) Next of kin, mother, Mrs. M. A. Deardon, No. 17, Meredith Lane. Cossitollah, Calcutta
(e) Widow at Allahabad, 21st February 1866, remitted by T. Receipt.
(f) Next of kin, not known, transferred to London.

FORT WILLIAM;
PAY OFFICE,
The 28th February 1866.

J. P. MARTIN, *Captain,*
Presidency Pay Master.

Statement of Deposit made at the Presidency Pay Office on account of the Estate of a deceased European Commissioned Officer of Her Majesty's British Military Service in the month of February 1866.

Date of Deposit.	On whose Account.	Rank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount of monies accruing from the adjustment of Estate.	Amount of Donation Batta due to Estate.	Total unclaimed amount deposited	How disposed of. Amount paid in India.	Amount retained in India.	Amount remitted for payment in England. In Co.'s Rupees.	Equivalent in Sterling.	Rate of Exchange.
							Rs. A. P.		Rs. A. P.					
	Commissioned Officer.													
16th Feb. 1866	(a) Thomas Gough ...	Pay Master and Honorary Captain	3rd Battalion Rifle Brigade	...	29th July 1865	Testate	2,010 4 5	...	2,010 4 5					
	Total ...	.....	.....	...	.....	...	2,010 4 5	...	2,010 4 5					

(a) Widow—Mrs. Juliana Gough. Children—Charles, Arthur, Henry, Stanton, Maria, Pabrica, Ada, Georgiana, Francis, Joseph, England.

J. P. MARTIN, *Captain,*
Acting Presidency Pay Master.

FORT WILLIAM,
PAY OFFICE;
The 28th February 1866.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

NOTIFICATION.

Calcutta, the 7th March 1866.

Under Clause 26 of the Regulations appended to the Regimental Debts' Act of 1863, it is notified that reports of the deaths of the under-mentioned Commissioned Officers and Warrant Officer, on the dates specified, were received in the Military Department during the month of February 1866 :—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.
1st Goorkha Regiment ...	Major A. Cumine ...	31st Jan. 1866 ..	At Camp Buxa.
Staff Corps ...	Lieutenant R. Stainforth ...	14th Nov. 1865...	At Cawnpore.
1st Battalion, 7th Foot...	Ensign A. B. Parnell ...	29th Dec. „ ...	At Morar, Gwalior.
Ordnance Department ...	Conductor H. Mann ...	7th Jan. 1866...	At Camp Cooch Behar.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 65.

Fort William, the 3rd March 1866.

NOTIFICATIONS.

In supersession of Notification No. 52 of the 20th February 1866, Major G. U. Price, Executive Engineer in Jeypoor, has been allowed six weeks' privilege leave, with effect from the 1st February 1866, or from such date as he may have availed himself of it.

No. 66.

Mr. D. O'Dogherty, Overseer, 3rd Grade, Mysore having returned to duty on the 7th February 1866, the unexpired portion of the leave granted to him in Public Works Department Notification No. 425 of the 30th November 1865 is cancelled.

No. 67.

The services of Mr. W. Palmer, Accountant, 1st Grade, attached to the Accountant General's Office, are placed at the disposal of the Home Department for employment in the Office of the Director General of Telegraphs, and his name is accordingly struck off the Rolls of the Public Works Department with effect from 1st February 1866.

No. 68.

The 6th March 1866.

Sapper M. Seaward, Overseer, 1st Grade, Public Works Department, Oudh, has been posted to the Lucknow Division.

No. 69.

The 8th March 1866.

Mr. A. B. Laurie is appointed an Accountant of the 2nd Grade, in the Public Works Department, on probation, and posted to Bengal.

No. 70.

Mr. R. White, Accountant 2nd Grade, British Burmah, is transferred to Bengal.

No. 71.

The 9th March 1866.

Sergeant J. Keenan, Overseer, 1st Grade, Mysore, has been allowed one month's leave of absence on medical certificate, in extension of the leave granted to him in Public Works Department Notification No. 15 of the 19th January 1866.

C. H. DICKENS, *Lieut. Colonel,* R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

Estate of the late Lieut. Colonel W. G. Stolt, H. M.'s 105th Regt.

All persons indebted to, or having claims against the above Estate, are requested to send particulars of the same to Captain Henry A. Graham, President of the Committee of Adjustment, Dinapore, on or before the 31st instant, after which no claim will be received.

The 9th March 1866.

Estate of the late Surgeon A. M. Macbeth, H. M.'s 105th Regt.

All persons indebted to, or having claims against the above Estate, are requested to send particulars of the same to Captain Henry A. Graham, President of the Committee of Adjustment, Dinapore, on or before the 31st instant, after which no claim will be received.

The 9th March 1866.

Orders by the Vice-Chancellor and Syndicate of the Calcutta University.

The 26th February 1866.

The under-mentioned Students have passed the Honor Examination in Arts :—

IN ENGLISH.

First Class.

Rash Behary Ghose ... Presidency College.

Third Class.

Kopali Prosono Mookerjee .. Presidency College.

IN HISTORY.

First Class.

Chunder Nath Bose ... Presidency College.

Second Class—In Order of Merit.

Soshee Bhoosun Banerjee .. Presidency College.
Juggeshur Chunder . Presidency College.

Third Class.

Baney Madhub Dey ... Presidency College.

IN MENTAL AND MORAL PHILOSOPHY.

First Class.

Kali Charan Banerjee ... Free Church Institution.

Second Class—In Order of Merit.

Gobinda Chunder Ghose ... Presidency College.
Nibaran Chunder Mookerjee Presidency College.

Third Class.

Oma Canta Chatterjee ... Presidency College.

IN MATHEMATICS.

Second Class.

Dwarkanath Bhuttacharjee... Teacher.

IN NATURAL AND PHYSICAL SCIENCE.

First Class.

Kali Pada Gupta Medical College.

The under-mentioned Students have passed the Examination for the Degree of Master of Arts :—

IN HISTORY.

Aukhool Chunder Sen ... Dacca College.

IN MATHEMATICS.

In Alphabetical Order.

Ram Lall Banerjee ... Presidency College.
Shumboo Chunder Naug ... Dacca College.

The 9th March 1866.

The under-mentioned Licentiates in Law, having graduated in Arts, are declared, under Clause 7 of the B. L. Regulations, to be entitled to the Degree of B. L. :—

Hem Chunder Banerjee.

Bama Churn Banerjee.

J. SUTCLIFFE, M. A.,
Registrar.

NOTICE No. 86.

The Public are informed that a Government Bullock Train Establishment on a limited scale has been organized under this Department between Peerpointy and Punkabarry at the base of the Darjeeling Hills, viâ Carragolah, Purneah, Kissengunge, and Titalyah, and another between Titalyah and Santrabarry at the foot of the Buxa Dooar, viâ Mynagooree. The train is chiefly intended for the conveyance of Commissariat and other Military stores, but as it happens that the train sometimes remains idle, it is notified that goods will be received from the non-official public for conveyance by the above train at the stations named below, and that the following rates will be charged upon such goods :—

		Rs.	A.	P.
Peerpointy or Sahibgunge to Carragolah ...	per md.	0	2	0
Carragolah to Purneah ...	„	0	8	0
Purneah to Kissengunge ...	„	0	12	0
Kissengunge to Titalyah ...	„	0	12	0
Titalyah to Punkabarry ...	„	0	8	0
Peerpointy to Punkabarry ...	per md.	2	10	0
Titalyah to Santrabarry ...	„	1	14	0
Peerpointy to Santrabarry...	per md.	4	8	0

Delivery of goods will be made at the above stations, and passengers, when there is available space, will also be carried by the train on prepayment of the charge for three maunds. Further, as the down train from Punkabarry to Carragolah is expected to return empty, country produce will be received for despatch and charged for at the following rates :—

		Rs.	A.	P.
Punkabarry to Titalyah ...	per md.	0	8	0
Titalyah to Kissengunge	„	0	6	0
Kissengunge to Purneah	„	0	6	0
Purneah to Carragolah ...	„	0	4	0
Carragolah to Peerpointy ...	„	0	2	0
Punkabarry to Peerpointy...	per md.	1	10	0

C. K. DOVE,
Post Master Genl. of Bengal.

CALCUTTA,
The 19th February 1866.

NOTICE.

CALCUTTA SHIP COMPANY LIMITED.

At an Extraordinary General Meeting of Shareholders held at the Registered Office of the Company, No. 1, Sukeas' Lane, on Friday, the 2nd March 1866, at 2 P. M.,

The following Resolutions were passed—

1. That the Resolution passed at the Extraordinary General Meeting held on the 2nd February for winding up the Company be confirmed, and that Messrs. M. Gregory and Company, the present Secretaries, be appointed Liquidators.

2. That a Committee, consisting of Messrs. J. L. Mackenzie, W. S. Millard, and Hadjee J. Mahomed be appointed to assist the Liquidators, and that 5 per cent. on the amount realised be divided between the Members of the Committee and the Liquidators in such manner as may be hereafter determined by themselves.

(Sd.). W. S. MILLARD,
Chairman.

Great Trigonometrical Survey of India.

No. 2.

Dated 6th March 1866.

The following appointment has been made with effect from 1st instant :—

Mr. Alfred Moore to be 3rd Class Sub-Assistant.

J. T. WALKER, *Lieut. Colonel*, R. E.,
Superintendent, G. T. Survey.

In the Press.

A Hand-book, shewing the Leave, Pay, Deputation, Travelling Allowances, and Pensions claimable by Judges of the High Court, Covenanted Civilians, Military and Medical Officers in Civil Employ, Ecclesiastical, Marine, Uncovenanted Officers, and Officers in the Public Works Department.

By R. C. Tulloh,

Examiner of Claims.

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Beyrout.	Samsoun.
The Dardanelles.	Sinope.
Galatz.	Smyrna.
Gallipole.	Sulina.
Ibraila.	Tangiers.
Ineboli.	Trebizond.
Jaffa.	Tripole (in Syria.)
Kerassun.	Tultcha.
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Rhodes.	

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H. B. Riddell,

Dir. Genl. of the Post Office of India.

Calcutta, *7th March* 1866.

N. B.—The above rates include Indian inland postage.

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LOST.

The second half of a Government Currency Note No. $\frac{A}{30}$19041 for Rs. 100.

Banee Madhub Chuckerbutty.

LOST.

The left halves of Government Notes No. $\frac{A}{9}$91267 and No. $\frac{A}{9}$49639 for Rs. 20 each, and any person who may produce the same to the undersigned in a month shall be rewarded Rs. 10.

Mohesh Chunder Roy,

Offg. Sudder Ameen of Hooghly.

LOST.

On or about the 10th January 1866 the left-hand half of a Note No. $\frac{A}{18}$12971 of the Allahabad Currency Circle for Rs. 10.

W. T. Church, C. S.,

Bandu.

LOST.

2nd Halves G. C. Notes Nos. $\frac{A}{18}$58907 Rs. 1,000; $\frac{A}{18}$16754, Rs. 500; $\frac{A}{50}$19608, $\frac{A}{50}$24848, $\frac{A}{50}$23387, $\frac{A}{18}$63920, $\frac{A}{18}$75767, for 100 Rs. each; Nos. $\frac{A}{11}$87247, $\frac{A}{11}$99919, $\frac{A}{11}$68550, $\frac{A}{24}$02611, $\frac{A}{11}$73167, $\frac{A}{11}$81253, $\frac{A}{24}$10128, $\frac{A}{24}$00473, $\frac{A}{11}$70447, $\frac{A}{11}$83987, for 50 Rs. each. Payment stopped at the Mint.

Bahadoor Sing, Pratape Sing, Dhunput Sing.

LOST.

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Mothore Mohun Sendle.

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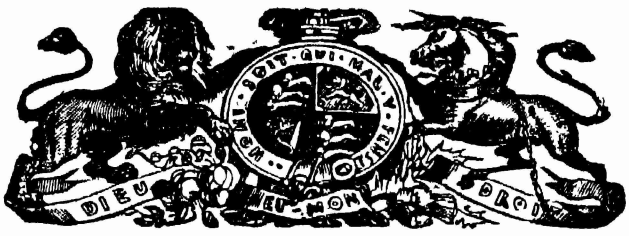

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, MARCH 10, 1866.

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Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 2nd March 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Rájj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

The Hon'ble George Ross.

PUBLIC MUSEUM (CALCUTTA) BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to provide for the Establishment of a Public Museum at Calcutta, said that this Bill was intended to carry out an agreement which had been arrived at between the Government of India and a very distinguished body, the Asiatic Society of Bengal. The object of the agreement was to transfer a part of the collections of the Society to Trustees, and to devote them under certain conditions to public use. Since the first overtures towards this arrangement were made, there had been considerable delay in giving effect to it, delays attributable to various causes. The latest difficulty which had arisen grew out of the Society being not unnaturally desirous that the Bill which carried out the agreement should bear more or less resemblance to the English Statute which regulated the relations of the British Museum with the Government of Great Britain. But the proposal of the Society, Mr. Maine thought, was founded on a mistaken analogy between the powers of this Council and those of Parliament, and some of the terms proposed were inconsistent with the relations, in matters of finance, of the Governor-General in Council to the Home Government of India. This had been pointed out to the Society, and Mr. Maine understood that they were satisfied with the Bill as it had now been framed.

The Bill provided in the first instance that the Governor-General of India in Council should cause to be erected at the expense of the Government of India, a suitable building in Calcutta, on or near the site now occupied by the Small Cause Court, to be devoted in part to collections illustrative of Indian archæology and of the several branches of Natural History, in part to the preservation and exhibition of other objects of interest, whether historical, physical or economical, in part to the records and offices of the Geological Survey of India, and in part to the fit accommodation of the Asiatic Society of Bengal and to the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings and other property.

It was further proposed to create a Board of Trustees, who were to be the Chief Justice of the High Court of Judicature at Fort William in Bengal, the Bishop of Calcutta, the Vice Chancellor of the University of Calcutta, the Secretary to the Government of India in the Home Department, four other persons to be nominated by the Governor-General of India in Council, the President of the Asiatic Society of Bengal, and three other members of the said Society for the time being, to be nominated by the Council of the said Society. These Trustees were to be a Body Corporate with perpetual succession. The Bill went on to provide that the Corporation should have the necessary powers to make bye-laws, hold property, and so forth. Such collections of the Asiatic Society as were intended to be transferred to the Trustees were to be removed to the new building as soon as it was completed so far as to be able to receive them.

The Society was to have the exclusive possession of such part of the new building as should be set apart by the Trustees for its accommodation, and the Trustees were not to interfere with the present exclusive control which the Society now had over their Library, Manuscripts, Maps, Coins, Busts, Pictures and Engravings. The Society was, whenever this change took place, to be at liberty to lease or sell their present house. In case of the determination of the trust, the Society was to be at liberty to reclaim their collections.

These were the principal provisions of the Bill which he now moved for leave to introduce.

The Motion was put and agreed to.

RELIGIOUS ENDOWMENTS COMMITTEES' BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to empower the Committees appointed under the seventh Section of Act No. XX of 1863 to raise the costs and expenses incurred in the performance of their duties, and for other purposes, said that this was a small matter. The Act which it was the object of this Bill to amend, which was passed at the instance of his Hon'ble friend the Lieutenant-Governor of Bengal, and than which no measure had received more public approval, was an enactment by which the Government had divested itself of all concern with the management of Native religious endowments.

Under the Act two bodies were contemplated: the Trustees or Managers who were in charge of the several Mosques and Temples, and the Committees appointed to superintend those Trustees and Managers, and to take the place of the Board of Revenue under the Regulations thereby repealed.

In order to carry out that duty effectually, it was necessary for the Committees to keep accounts, to provide establishments of clerks and messengers and to be able to raise funds for the purpose of paying for these establishments. But the Act contained no provision enabling the Committees to raise such funds.

As far as Bengal was concerned, there was little difficulty, because the Board of Revenue, when the Act was passed, was in possession of funds belonging to the religious establishments, and had transferred them under Section 12 to the Committees. It appeared however that, in Madras, before the Act became law, the Government had transferred all such property to the Trustees and Managers, so that the Committees had no property in hand, and no power to raise thereout the expenses necessarily incurred in the performance of their duties. The Bill which he proposed would enable the Committees to raise or cause to be raised the money required for the purpose.

As the Act was under revision, one other amendment had better be made. The Act provided that the members of the Committees were to hold office for life. But it appeared that some cases had occurred in which the members of a Committee wished to resign their appointments, and no provision was made for filling up the vacancies which would be caused by such resignations. The Bill authorized the appointment of new Committee-men, not only in the cases above mentioned, but also in that of a member leaving India.

The Motion was put and agreed to.

OUDE LIMITATION BILL.

The Hon'ble MR. MUIR introduced the Bill to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province, and moved that it be referred to a Select Committee, with instructions to report in a fortnight. He said that when he obtained leave to introduce the Bill, he had explained at length the reasons for it and the nature of the Bill. A copy of the draft Bill had since been referred to the Chief Commissioner of Oude, and his opinion, as also that of the Financial Commissioner, had been invited; and one or two amendments had been made in the draft in conformity with suggestions received from those officers. Mr. Muir need only refer to one point in the second Section which related to the redemption of mortgages. The Section provided that when a mortgagee shall, by virtue of a mortgage executed before the 13th February 1844, or twelve years before the annexation of the Province, have obtained possession of land comprised in his mortgage, the mortgagor "shall not bring a suit to redeem the mortgage of such land, any subsequent acknowledgment of the title or right to redeem of the mortgagor, or of any person claiming through him, notwithstanding." The proviso here made had reference to Clause 15, Section 1, Act XIV of 1859, in which it was provided that the period of limitation was thirty years from the date of mortgage, or from the acknowledgment of the title or right of redemption of the mortgagor. If this point had not been specially provided for, any acknowledgement of the right of redemption might have been pleaded as a new period of limitation. No suit would lie on account of any mortgage executed prior to the 13th February 1844, whatever admissions might subsequently have been made in respect of it. The only exception to this rule was in a class of cases which, at the instance of the Chief Commissioner, had been provided for by a new Section (3). Wherever by the mortgage deed a period had been fixed within which the right of redemption might be exercised, and that period did not expire till after the date of annexation, a suit would lie notwithstanding that the mortgage had been executed prior to the 14th February 1844.

These provisions were introduced in conformity with agreements, which had been made with the Chief Commissioner by most of the Landholders who held under *Sunnud*. They were in themselves reasonable, and by their adoption the

law would now be brought into accord with the administrative rules of the Province.

With these remarks MR. MUIR begged to introduce the Bill, and to move that it be referred to a Select Committee, with instructions to report in a fortnight.

The Motion was put and agreed to.

ARMS' ACT CONTINUANCE BILL.

The Hon'ble MR. MAINE moved that the Report of the Select Committee on the Bill to continue Act No. XXXI of 1860 (relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases) and for other purposes, be taken into consideration. He said that he would state to the Council the sole amendment which the Committee proposed to make. The Act, it would be remembered, provided for two systems with respect to arms—one was in force only in certain proclaimed Districts, while the other took effect all over India. Under the second system, licenses were necessary for the lawful carrying of arms; but there were certain exemptions from the necessity of taking out these licenses. It was to these exemptions that the sole amendment of the Committee applied. The original Act allowed persons to be exempted by order of the Local Government, and the word "persons" had been construed by those Governments as permitting them to exempt classes, such as Europeans and Parsees. Possibly this was going a little beyond the letter of the law. But the Committee proposed to legalize the practice by inserting the word "classes" in the last clause of the Section. The Committee also proposed to allow the exemption of Districts and parts of Districts, which was a concession to the opinion expressed by his hon'ble friend Mr. Muir, when the Bill was last before the Council.

It was intended, of course, to prevent the mischief of wholly disarming parts of British India which abutted on Native States, and where the inhabitants were exposed to violence and outrage from the subjects of States with a weaker administration and police than our own.

Since the Bill had been brought before the public, MR. MAINE had heard or read complaints of the original Act, which contrasted rather singularly with the anticipations entertained when it was under discussion. It was said that the Act was not sufficiently stringent. Now, upon paper and as a piece of legislation, the Act was extremely severe. The only way in which its stringency could be increased, would be by withdrawing the discretion given to the Local Governments, and MR. MAINE would be very loath to do that. If he did, he could not but fear that a measure of which the operation, however wholesome, was at best invidious, might become odious. The point was for the Local Government to consider, and it was just possible that, having regard to the feeling which prevailed when it was originally passed, they might have administered it somewhat laxly and leniently. It had been alleged that sales of improved arms constantly took place. As they were alleged to be effected without the knowledge of the Government, it was of course impossible from the nature of the case for the Government to pronounce an opinion. But it did happen that intelligence of such sales or attempted sales, now and then reached the Supreme and other Governments; and considering the sensation which such attempts to sell obviously created and the promptitude with which information concerning them was apparently conveyed to the Government, MR. MAINE could not help doubting the existence of the practice at least to any considerable degree. The matter, however, was one which would necessarily receive the careful attention of all the Governments in India.

The Hon'ble MR. GORDON said that, as the Hon'ble Member who had introduced this Bill had, on a former occasion, referred to some communication which he (MR. GORDON) had made, he thought he had better explain to the Council the difficulty which he had at first felt in assenting to this Bill, and the way in which that difficulty had been removed.

The first twenty-five Sections related to the whole of India. They dealt with the manufacture and possession of cannon, and the manufacture and sale of ammunition and small arms. Then came Section 26, which forbade the carrying of arms. But it did not make the carrying of arms an offence. It merely said that, if a man carried arms, he might be deprived of them. Another Section went on to say that, if a Magistrate had reason to believe that a person had arms in his possession, and was likely to make an unlawful use of them, he might cause the house of that person to be searched, and seize any arms found there, and detain them as long as might be deemed necessary.

Those were the general provisions of the law as applicable to the whole of India. But Section 36 applied to certain excepted Districts, where for some reasons the Local Government had ordered that the people should be disarmed. In those Districts the law was exceedingly stringent. The simple possession of arms in a proclaimed District was forbidden, houses might be searched, and any arms found there might be confiscated and the owners punished. In an ordinary District, the simple possession of arms was not an offence, nor the purchase of arms, nor even the importation of small quantities of arms for private purposes.

Therefore there were two *régimes*. One was lenient and the other was exceedingly severe. But the Act did not provide any special means for explaining, either to the Magistrate or to the people, under which of these two *régimes* they lived. The proclaimed Districts were those Districts which were proclaimed either under the provisions of Act XXXI of 1860, or under the provisions of a former Act which it had repealed,—Act XXVIII of 1857; and in order to ascertain whether any particular place was subject to these stringent rules, or to the very mild ones which he had endeavoured to describe, it was necessary for the Magistrate to hunt through the whole of the Gazettes published since 1857, to ascertain, *first*, whether that place had been proclaimed, and *secondly*, whether that proclamation had or had not been withdrawn.

Of all laws it was least expedient that there should be any difficulty in ascertaining whether a criminal law was or was not in force. Mr. Gordon had felt some difficulty, therefore, in assenting to the perpetuation of the Arms' Act without some express provision to remove this serious objection to it as it stood. But he understood that the Executive Government had undertaken to direct that the notifications should be

periodically republished in the Government Gazettes of the several Administrations. That being so, the only objection he had felt to the passing of the Bill had been removed.

The Hon'ble MR. MAINE said that his Hon'ble friend (Mr. Gordon) had mentioned to him the difficulty which he had felt, and he (MR. MAINE) was authorized to state that the matter had been discussed by the Executive Government, and that the announcement wished by his Hon'ble friend would be made by the Local Governments.

The Motion was put and agreed to.

His Honour the LIEUTENANT-GOVERNOR said that there was a slight verbal alteration which he begged to suggest. It was the substitution, in line 5 of Section 1, of the words "the Act last hereinbefore mentioned" for the words "such Act."

The Motion was put and agreed to.

The Hon'ble MR. MAINE also moved that the Bill as amended be passed.

The Motion was put and agreed to.

EXECUTION OF PROCESS (STRAITS' SETTLEMENT) BILL.

The Hon'ble MR. MAINE also moved that the Report of the Select Committee on the Bill to amend Act No. XXIII of 1840 (for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by authorities in the Mofussil) be taken into consideration. He said the Committee had altered the title of the Bill, which would now explain its object. It was a very trifling matter. Since the Bill was introduced, the Code of Civil Procedure had been extended to all Her Majesty's Courts in India, except the Court of Judicature in the Straits' Settlement. That Code provided for service of summons when the defendant resided within the jurisdiction of any Court in the Territories to which it applied, other than that in which the suit was instituted. But people in the Straits' Settlement preferred their old procedure, and the Government of India did not therefore think it desirable to extend the Code to that Settlement. The result was that, as the law now stood, there was no possibility of executing in the Straits' Court process issued by any other Court in India. Moreover, the Bill, as drawn, referred to the Supreme Courts as being in existence, and as having a procedure identical with that of the Straits' Court. For these and other reasons some alteration was necessary. As the Committee had finally settled the Bill, it was simply a Bill to enable service in the Straits' Court of process issued by any of the other Courts in British India, and service in the latter Courts of process issued by the Straits' Court.

The Motion was put and agreed to.

The Hon'ble Mr. Maine also moved that the Bill as amended be passed.

The Motion was put and agreed to.

CRIMINAL PROCEDURE CODE AMENDMENT BILL.

The Hon'ble MR. MAINE also moved that the Report of the Select Committee on the Bill to amend Act No. XXV of 1861 (for simplifying the procedure of the Courts of Criminal Judicature not established by Royal Charter) be taken into consideration. He said that the Bill had originally been limited to certain amendments of the Code of Cimiminal Procedure strongly urged upon the Government of India by the three Governments of Bengal, Madras and Bombay. The Committee had had the advantage of the Hon'ble Mr. Gordon's experience, who had pointed out several other offences which fell precisely under the reasoning in virtue of which the Bill had been drawn. At Mr. Gordon's instance, the Committee had agreed to add to the offences contemplated in the Bill the following :—

Knowingly disobeying any quarantine rule:
Driving or riding on a public way so rashly or negligently as to endanger human life, &c:
Dealing with fire or any combustible matter so as to endanger human life, &c:
So dealing with any explosive substance:
A person omitting to take order with any animal in his possession, so as to guard against danger to human life or of grievous hurt from such animal:
Committing a public nuisance; and
House-trespass

It was obvious that the inconveniences of removing the cognizance of the offences first mentioned in the Bill from the minor Magistrates arose equally in the case of the offences to which the attention of the Committee had been drawn: they were petty offences, and were frequently committed. It was a great hardship on those whose evidence was necessary for the conviction of the offender to be dragged to a distance for the purpose of substantiating charges of this nature, and it was even more undesirable that such offences should be hushed up from the fear of encountering these hardships. Since it had become known to the public that there was an intention of amending the Code of Criminal Procedure, a rather remarkable number of communications on the subject had been received by Mr. Maine, either privately or in the Legislative Deprtment. It was evident that there were considerable defects in the Schedule to the Code; and on the whole Mr. Maine thought that a case was made out for its early revision. Nothing could be more inexpedient than the premature alteration of bodies of law which were intended to be comparatively permanent. But here the weight of opinion in favor of some revision seemed to Mr. Maine too great to be withstood. The revision of the Code of Criminal Procedure was not, it must be remembered, quite the same thing as the revision of the Penal Code. The Penal Code was based on principles something like universal. But the Code of Criminal Procedure was directed to the immediate convenience of the persons by whom and for whom it was administered. If it did not serve that convenience, a presumption instantly arose in favor of the necessity for modifying it. On the whole, he thought the Council might usefully devote itself in the next sittings to the reconsideration of this Code. In all probability, before it became law, it would be referred to the Indian Law Commissioners at home.

The Motion was put and agreed to.

The Hon'ble MR. GORDON said that he had to move an amendment not of a very radical character. There were some offences which, he thought, might well be added to Section 1 of the Bill. He would take the last in order first, as it was most important, viz., House-trespass in order to the commission of an offence punishable with imprisonment, or where the offence intended to be committed was theft. The Bill proposed to invest any Magistrate with the power of trying theft

in a dwelling-house, and the amendment by the Committee proposed that House-trespass should be made cognizable by any Magistrate. But House-trespass, in order to the commission of theft, was part of theft in a dwelling-house, and might almost be described as an attempt to commit that offence. As the greater contained the less, if any Magistrate was authorized to punish theft in a dwelling-house, he should also have the power of disposing of the smaller offence, viz., House-trespass in order to the commission of theft.

Another part of the Schedule to the Act to be amended allowed a Magistrate of the first Class to try one of the most difficult and important class of cases that could possibly be found (Criminal breach of trust by a servant, banker or agent), which offence was punishable with transportation for life.

If therefore a Magistrate of the first Class was competent to try such an offence as that, any Magistrate was certainly competent to try the offence which he (Mr. Gordon) wished to see added to Section 1.

The other offences stood on different grounds, viz., absconding to avoid service of summons or other proceeding from a public servant, and non-attendance in obedience to an order from a public servant. These offences peculiarly required to be dealt with summarily. A man might loose his cause by the non-attendance of his witnesses. But he seldom would prosecute a witness, because he might require his evidence again in a further stage of the same cause.

The Civil Courts therefore must see the law enforced. There must be a complaint, and a ministerial Officer must be sent to lay the complaint before a Magistrate. Mr. Gordon had known cases where the witnesses and accused had to travel a hundred miles before their case could be decided, and then a hundred miles back again to their homes.

Under these circumstances the Court could not always spare the services of these Officers for so long a time, and the persons injured were often unwilling to prosecute, so this class of offences, although exceedingly common, were seldom in fact punished, and positive injustice must in consequence often result. These offences were not visited with heavy punishment. Six months' simple imprisonment or 1,000 Rupees fine was the maximum, and in practice the punishment awarded was generally very slight indeed. These cases were simple in their nature, and well within the competence of any Magistrate.

He (Mr. Gordon) would therefore move the amendment of which he had given notice, *viz* :— that the numbers 172 and 174 be introduced after the word "Section" in Section 1 of the Bill, that the word "and" be omitted before the number 448, and that the word and number "and 451" be introduced after the number "448" in the same Section.

The Hon'ble MR. MAINE had no objection to the Hon'ble gentlemen's amendments. It should be understood that they had not been rejected by the Committee, but would probably have been accepted by it, if they had been submitted to it by the Mover. He would make one general remark about the Schedule to the Code. Its defects, wherever they occurred, seemed to have arisen from the Legislative Council having proceeded on a principal only partially true. That principle was that when the punishment alloted to an offence was heavy, the cognizance of that offence should be reserved to a higher Magistrate. This was all very well as a rough rule; but it required to be modified by the consideration that, in respect of certain offences for which the maximum punishment was extremely high, the degree of culpability evinced by the Commission might vary very widely. The contingency that an offence punishable by a heavy maximum penalt might be perpetrated under circumstances which called for a very slight punishment did not appear to have been sufficiently provided for.

The Motion was put and agreed to.

The Hon'ble Mr. MAINE then moved that the Bill as amended be passed.

The Motion was put and agreed to.

JUDGES' COMMISSIONS BILL.

The Hon'ble MR. MAINE said that, if His Excellency would allow him, he would move for leave to introduce a Bill which was not entered in the List of Business. He thought that, if he mentioned the nature of the Bill, the Council would unanimously agree with him that there was occasion for it. Under Act XIII of 1865, which amended the Criminal Procedure of the High Courts, a mode was provided for the exercise of the Courts' jurisdiction in the Mofussil by Judges deputed under Commissions of the Governor-General of India in Council. It was at first intended to organize a system of Circuits such as their was in England. But after consultation with the Chief Justice, Mr. Maine thought it would be premature to organize regular Circuits in the present state of the Courts' business, and of the means of communicatien through the country. Accordingly, for a system of Circuits, there was substituted a system of tours of inspection by Judges who visited the Mofussil with the view of examining into the working of the Subordinate Courts. These Judges were not under Commission, but it had been arranged that, whenever the High Court thought that the ends of justice would be served by trying a European British subject at a distance from the Presidency, a special Commission should issue. In short a system of special Commissions had been temporarily substituted for a system of Circuits. On English analogies, however, which required that Commissions should be signed by Her Majesty, these Commissions would have to be signed by the Governor-General and all the Members of his Council.

There would have been no difficulty if the system of Circuits had been inaugurated, and if the Commissions were issued at regular intervals. But now it was impossible to know when the necessity for issuing the Commissions would arise, and the Governor-General and the Members in Council might then be absent from the Presidency, and accordingly it was the object of the present Bill to relieve the Governor-General and the Members in Council from the duty of signing the Commissions. It was proposed that a seal should be made, that it should be kept in the custody of whomsoever the Governor-General in Council might appoint, and that the Commissions should be stamped by order with such seal by the person so appointed, and, when so stamped, should have the same force and effect as if they had been signed

by the Governor-General, and the Members in Council. A telegraphic communication to the Secretary to the Government of India in charge of the Calcutta Office would be sufficient warrant to affix the seal.

The Motion was put and agreed to.

ASSAM COMPANY'S BILL.

The Hon'ble MR. MAINE then presented the Report of the Select Committee on the Bill to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).

PLEADER'S AND MOOKHTARS' ACT EXTENSION (N. W. P.) BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to extend Act No. XX of 1865 (to amend the law relating to Pleaders and Mookhtars) to the Sudder Court of the North-Western Provinces.

INDIAN COMPANIES' BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill for the incorporation, regulation and winding up of Trading Companies and other Associations.

REGISTRATION ACT AMENDMENT BILL.

The Hon'ble MR. GORDON presented the Report of the Select Committee on the Bill to amend Act No. XVI of 1864 (to provide for the Registration of Assurances).

The following Select Committee was named :—

On the Bill to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province—The Hon'ble Messrs. Maine and Grey, the Hon'ble Colonel Durand and the Mover.

The Council adjourned till the 9th March.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

CALCUTTA,
The 2nd March 1866.

PUBLIC WORKS DEPARTMENT.

Remodelling of the Ganges Canal.

From MAJOR GENERAL SIR A. COTTON, Colonel Commdt. Madras Engineers, to Secy. to Govt. of India, P. W. Dept.,—(dated 9th November 1865.)

I have received the Blue Book containing the proceedings on the Ganges Canal, lately printed, and as they contain frequent reference to my opinion on the subject, though the papers have not been officially forwarded to me, I have the honor to request that I may be allowed here to reply to the remarks made on my non-official papers.

2. I trust that Government will acknowledge that, as far as concerns my personal interests, I may fairly claim to be heard in answer to remarks so severely censuring my professional opinions; and not only so, but that as an Officer of long experience (and surely, I might be permitted to add, whose works have, under God's blessing,—as seems now to be most fully acknowledged by the proper authorities—returned, and are now returning, such large sums to Government as to amount really to quite a considerable item in the revenue) I might justly ask for the sake of the public service, that what I have to say at this great crisis may be heard, as well as the Officer who has censured my opinions.

3. I must beg, first, earnestly to call attention to the importance of the crisis at which we have arrived. The work which has been dealt with as the great and decisive work of Government in this line, to which the attention of the public has repeatedly been called in numerous public documents, and especially in the Earl of Dalhousie's Minute, at the close of his administration, has now arrived at a point at which a most voluminous Blue Book is called for, and upon a review of the whole case a sum of more than half a million is required,* not for any extension or partial improvement, but as it is justly called, for the remodelling of the whole project, requiring that the works should be closed, and their whole operation stopped for one or two seasons, in consequence not only of the entire failure of the project after 20 years to make any fair returns in money, but much more in consequence of the absolute insecurity of the works—making a complete reformation absolutely essential.

4. Now it is most obvious that matters having arrived at this point with respect to such a work, the whole question of irrigation and navigation for India is brought to a complete issue.

5. The question of dealing with this individual work, and how it may most effectually be rendered secure and remunerative, great as it is, considering that three millions have been sunk on it, (at least half a million more is required,) is really quite insignificant compared with the question that arises out of it, which is nothing less than this.

6. Is this a fair type of irrigation works, or is it not?

7. Must we conclude from it that nothing more can be hoped than that other projects cannot be expected to produce more satisfactory results than this?

8. If so, then what hope is there of the extension of this system throughout India?

9. Would the Government be justified in prosecuting a system of works which will involve the laying of new taxes on India, in order to pay the interest of the money so invested, for, of course, the interest must be paid, and for this there is no alternative but new taxes?

10. If, on the other hand, the failure of the work to pay its own expenses after so long a time is really owing to causes quite alien to the general scheme of the regulation of the waters of India, it is of the utmost importance that the public, as well as the Government, should be fully satisfied on this point, in order that this great hindrance to the prosecution of the enterprize should be removed.

* Besides 560,000 for head works, and completing the works generally, and still without the extension to Allahabad, making, besides the latter, a total of 4,000,000, including interest.

11. And if, again, not only can this be shown to have failed through special circumstances peculiar to itself, and which not only need not, after the warning itself affords, but ought never to recur; and also that several other works on an equally extensive scale *(as regards operation)* have for a long series of years not only paid their way, but in every way, without exception, much more than answered all expectations, so that the revenue has in a very sensible degree been relieved by them, and thus a fair prospect been opened of removing existing taxes, then nothing can be clearer than the way to the extension of this most beneficient scheme throughout the length of India.

12. It will now, I believe, be fully allowed that upon irrigation and navigation alone depends the counteraction of famine, the increase of produce to any great degree, its removal at a practical cost to the Ports, and, consequently, to its proper markets, the increase of Land and Customs revenue, the increase of our prestige through the contentment of the people, &c.

13. I cannot, therefore, conceive a more important question for the public determination of Government than that which I have above specified; and I respectfully submit that every facility should be given for the open expression of opinion on this critical point by every one whose duties, or other circumstances, have afforded him means of coming to conclusions on it.

14. This is not a mere matter of professional opinion; it is a great and essential point on which I am sure that non-professional men may satisfy themselves by hearing both sides of the question and considering the arguments. What I urge is, that this work has failed solely from essential errors of projection, and that there is nothing whatever in the tract that would prevent works in it producing as great results as those in Madras. On the contrary, that it is in a considerable degree more practicable for irrigation and navigation than the Madras Deltas, first, in respect of the river to be controlled, the Ganges being quite a small one compared with either the Godavery or Kistna, and the tract through which the water had to be led being entirely free from any one obstacle worth mentioning.

15. Hence, that the works for the irrigation of a million acres there might have been executed for certainly one-third of what they have cost; that, consequently, they might have been executed in one-third of the time, and thus have been ready for the late famine, and been yielding for 10 or 15 years 30 or 40 per cent.

16. If this is a correct view of the case, then those works might and ought to been for have many years the strongest argument for the extension of irrigation.

17. In the despatches on this subject, no mention is made of the encouraging success of the Madras works; they indeed appear to be denied when it is said—"We believe that very few engineering works of equal novelty of design and magnitude would be found to bear the test of actual experience with a more favourable result." This is repeated in the proceedings of Government on Captain Crofton's Report, and I cannot but observe that one of the Members who sign this Report had himself, as Governor of Madras, personally visited and satisfied himself respecting the results of the works there, and had minuted, in a very decisive manner, upon them. In that Minute he says—"Works of irrigation create new value by an immediate and positive process, *with a profusion of which there is no other example*:" and—"In the Godavery and Kistna Deltas, the first difficulties have been overcome, and the primary and more expensive works have been executed; secondary works of distribution alone remain to be provided, *and these are so eminently profitable*, that if we have not means in hand to do them, it would be greatly for our advantage to borrow money for the purpose." Certainly, nothing has occurred since this Minute was written to cause the late Governor to change his mind on this point; and we must, therefore, conclude that, in saying in this Despatch that few other irrigation works could show a more favourable result than the Ganges Canal, which is in the state shown in these papers, he must be understood to mean something very different from what a superficial view of these works might convey.

18. And in the *Gazette of India* signed by Colonel Strachey, Secretary, Department Public Works, and published there on the 7th January 1865, and by order of the House of Commons in England on the 1st of June, the results of the great works in Madras are thus given:—

Statement for 1862-63.

	Cost.	Net income besides 4 per cent.	Percentage.
	£	£	
Godavery Works ...	338,000	146,000	43
Kistna " .	191,000	421,000	11
Cauvery " ...	58,000	107,000	180

19. In the Return, the results of the Upper and Lower Coleroon Anicuts are given separately, but I have added them together, because they in part formed one project.

20. This paper, published by the Government of India, is conclusive as to their opinion of the present results of those works being in full accordance with the late Governor's Minute.

21. I cannot but observe also that I am supported in this view of the case by the protest entered by one of the Members of Council saying—"I regret I cannot concur in so much of this Report as speaks favourably of the Ganges Canal."

22. In confirmation of the Returns published by the Government of India, I may also give the following, drawn from the Madras Administration Reports, as shewing in a very conclusive manner the results of the Godavery and Kistna Works:—

Average revenue of Rajamundry, Masulipatam, and Guntoor, from 1841 to 1845	470,000
Ditto for some tract under the new names of Godavery and Kistna for 1863-64 ...	845,000
Increase ..	375,000

or 80 per cent.

The adjoining Districts from 1841 to 1845—

Vizagapatam	150,000
Nellore	250,000
Cuddapa	257,000
Bellary	320,000
Kurnool	82,000
Total ...	1,059,000

The adjoining Districts for 1863-64—

Vizagapatam	186,000
Nellore	335,000
Cuddapa	223,000
Kurnool	182,000
Bellary	312,000
Total	1,238,000
	1,059,000
Increase ...	179,000

or 17 per cent., that is, while the revenue of the newly-irrigated districts, though the water is not yet *distributed* to half the lands, has increased 80 per cent., that of the adjoining districts has only increased 17; and of this a large proportion is also due to irrigation, for there have been great improvements in those districts, so that by this unquestionable comparison, $\frac{7}{8}$ths of the whole increase of 80 per cent on the former revenue is due entirely to irrigation and navigation.

23. I cannot see how we can from this conclude otherwise than that if we keep these Madras works in view, (and there are no failures of great works there) they will completely relieve us from the desponding view to which the failure of the Ganges Canal has led the Government, when they conclude that better results than these could not be found, and consequently, as we must infer, are not to be hoped for in future projects.

24. The failure of this great work has had a most injurious effect upon a public mind, and has most seriously shaken the confidence of those interested in India respecting irrigation, and I cannot but again respectfully suggest the great importance of a full and public investigation of this vital subject, that they may be satisfied there really is no ground for such desponding views, but that we have, on the contrary, the strongest grounds for judging that if we avoid the mistakes made in this case, we may and ought to boldly proceed, as the Madras Government express it in their proceedings of the 15th May 1858:—

"Further, the Government question whether considering that the returns from irrigation *are always considerable and often immense*," &c., * * * * "they express their strong, unanimous, and earnest advocacy that all irrigation works which, on a comprehensive view of the wants of the country, may be deemed necessary to develop its undoubtedly great resources, be commenced at once boldly, and on a large scale, be pressed forward throughout all times and under all circumstances, and be looked on, and practically treated, as in fact they are, as the most economical, because the most profitable in which the Government could possibly engage" * * * * "It is needless now again to bring forward the innumerable instances in which money has been most advantageously invested in this Presidency in irrigation works. The proceedings of Government have been only too vacillating and desultory, and it is confidently asserted that India could be placed in a position to pay all her own expenses, and discharge her debt far more readily and speedily than by any scheme of retrenchment and reduction.

25. Nothing can be more certain than that this could not have been written except under the pressure of the most decisive results; and it is grievous to think that, though it is now seven years ago, the fundamental question of whether such a work as the Ganges Canal is a true type of irrigation works for India generally or not requires still to be examined, nay, is concluded to be decided in the affirmative by the Council, with only one dissentient, and who considers the matter of sufficient importance to record his official protest against it.

26. I would on this point also beg to put this question of the returns of Government irrigation works in another form, which seems to me the most correct of all, *viz.*, by showing the general results of all the great works throughout India—

Cost of works up to latest date of which I have the records.

		£
Punjab ...	... Ravee Canal* ...	..
	Western Jumna Canal	169,000
North Western Provinces.	Ganges Canal	...2,882,000
	Doon " ...	47,000
	Eastern Jumna Canal	143,000
Madras ...	... Godavery Works	338,000
	Kistna "	191,000
	Pallaur "	78,000
	Pennair " .	25,000
	Cauvery "	58,000
	East Coast Canal	50,000
	Total	3,981,000

Net Returns of above Works for the same years.

		£
Punjab	Ravee Canal . ..	..
	Western Jumna Canal	23,000†
North Western Provinces	Ganges Canal .	16,000
	Eastern Jumna Canal	12,000
	Doon Canal ...	51,000
Madras	Godavery Works ...	159,000
	Kistna " ...	29,000
	Pallaur " ...	2,000
	Pennair " ...	1,000
	Cauvery " ...	107,000
	Total ...	349,000

which, on a capital of £3,981,000, is 8½ per cent. Thus, even including the Ganges Canal, the result is exceedingly satisfactory. There are some other considerable works in Sindh which should be included, but I have no returns; and there are innumerable small works in Madras, the results of which are much better than 8½ per cent., but the question here is about the results of large works. Thus, deducting the present interest of money, 5 per cent., the revenue gains a clear benefit of nearly £150,000 a year by these works, notwithstanding this terrible failure of the work upon which nearly $\frac{3}{5}$ths of the whole capital has been expended, and it must be recollected that most of these works are not nearly in full operation yet; when they are, and if the Ganges Canal is not really effectively reformed, there is every certainty of the returns of the whole being above 20 per cent., and the net gain to the revenue ¾ millions a year. It must also be remembered that these returns by no means show the whole profits to Government. For instance, the actual increase of revenue in the Godavery and Kistna is £370,000 a year, and I have shown that $\frac{7}{8}$ths of this is really due to the works, £320,000, and deducting 5 per cent. for repairs, there remains £300,000, while, as the returns are made out, they only show £188,000. The real direct return into the Treasury is even now much above 8½ per cent.

* I have not been able to obtain this Return.

† Estimated at half gross income.

27. I am sure this statement will bear thorough examination, and is substantially correct, so that when we take the Ganges Canal as the measure of our success hitherto, and of our prospects in further works, we see the matter in a totally false light.

28. The fact is, that the Ganges Canal, instead of being the true standard, is really the only large work that has failed out of the above list; the Doon Canals are a small work, and I see it is stated that there the water-rates ought to be doubled, as being far too low.

29. And with respect to future works, there is, of course, far less chance of a great failure, because we have now both the warning from that which has failed, and the example of those which have succeeded, and this is the grand advantage of extended experience.

30. I beg respectfully to offer these remarks on the point which is incomparably of the greatest importance, *viz.*, the results and prospects of irrigation and navigation generally.

31. I must beg, however, also to be allowed to answer the charges which have been brought against me by Captain Crofton.

32. I must first notice the way in which he treats my plan for the head of the Canal below the Solani. He says, that if I carry the Canal directly into the high ground, the cutting will be 96 feet deep, and the new head will cost 2½ millions, and this is concluded triumphantly with a note of admiration. But there is not a word in my papers that implies that I would have carried the head along a cutting of 96 feet for many miles, when there is low ground on the most convenient level immediately adjoining. And before his Report is sent in, this is pointed out by a writer in the "Times," though one would suppose it would not require that an Engineer, capable of re-modelling the Ganges Canal, should require to be told that, in cutting a canal head, a line requiring an impracticable amount of excavation should not be selected in preference to land of a suitable level immediately adjoining; yet, after being thus set right, he has left the first preposterous supposition in his Report, and this is deliberately repeated by the Secretary to Government in the Government Memorandum.

33. How easy it [? is] in this way to substitute for the simple and obvious proposal of an experienced Officer to lead the canal from the river below all the difficulties such an invention as this of cutting into the high land, as if I had proposed it, and then point out what an ignorant person I must be as if I had never cut a canal before.

34. I would only ask, is this a worthy way of dealing with a great public question? I cannot but bring this prominently forward, because it is indicative of the whole tone of the Report.

35. But Captain Crofton then proceeds to say that the canal carried along the low ground, £ 500,000 for 36 miles, or £ 14,000 a mile, but without showing the slightest grounds for estimating it at this sum, which is more than the rate of the first 100 miles of the present canals, led through all the great difficulties of the hill country, while this would not cross a single stream of any size. It certainly could not cost one-third of this sum if projected upon right principles.

36. But the points I particularly wish to press in this part of the subject are these:—

37. First, with respect to the competency of this Officer to deal with the case. It is certain that to correct a work originally constructed on false principles, so that it has entirely failed both as respects stability and returns, is a far more complicated case, and requires far more practical skill than to originate a project—just as it requires a far more able physician to restore a patient, whose disease has been dreadfully complicated by false management previously, than to prescribe for a case of simple illness at first. Now I cannot but request attention to this point. An Officer first estimates the cost of leading a canal from a certain point in a river at 2½ millions. He then receives a hint about it from the "Times," and immediately reduces it by 2 millions, and just as recklessly estimates it at half a million. This was one of the simplest and most fundamental points on which a Hydraulic Engineer could be called upon to give an opinion. Now, it is not a question for Engineers only, but for any intelligent man, whether we should conclude that a man who is thus proved to be so very little conversant with the very matters upon which he is called to decide, as to require to be set right on so essential a matter, can possibly be competent to re-project this great work. To me it seems most surprising that such extraordinary want of experience on the subject as this implies (that he should suppose that a work would cost 2½ millions, which, upon a hint from a newspaper, he himself thinks could be done for half a million), should not have led his superiors at once to conclude that he was entirely out of his depth, and certainly not a man who could be safely trusted with the reformation of a work of such magnitude. The fact is, that the work would have cost neither 2½ nor half a million, but, perhaps, £100,000 or £150,000.

38. The second point is, that in thus estimating that a canal can be carried from the Ganges below the hills, on to the high ground of the Doab, for a million, he surrenders the Malakoff of my opponent's whole position, and entirely decides the controversy in my favour.

39. The present head has cost more than a million; if the high land could have been reached from a point below the hills for half a million, then more than half a million would have been saved, the cost of the works would have been reduced from 2 millions to less than 1½, more than one-fourth of the time would have been saved, the accumulation of interest and repairs would have been reduced half, the returns, 5 years ago, would have been about 1½ per cent., supposing only the present extent had been watered, then, the works would have been far better advanced to meet the famine, and by this time it would most certainly have been returning fair, if not high interest.

40. Moreover, the works that have failed above Meerut would not have been executed, and thus the saving of this half million would have made the difference in every way between a failure and a success.

41. This alone, therefore, by my opponent's own estimate settles the question of the work having failed, not from any real difficulty about irrigation, but solely from a palpable error in the projection.

42. I cannot but hope the Government will also allow me respectfully to bring before them the way in which my papers have been dealt with

in this and in other cases. Controversy had arisen about this work out of a confidential paper which had been printed by some person in authority, without my permission, and my papers which followed, are submitted for the decision of an Officer, probably 25 years my junior, who had never seen a weir, or one of our great successful works in Madras. And his decision upon them, with every possible grounds for bias in his case, as well as entire ignorance of our principles of construction in Madras, is accepted as conclusive. The absurd calculation which he had made, because he totally misunderstood the case, notwithstanding his own correction of it, is repeated in this Despatch, and I am officially represented as so utterly ignorant of matters—about which I have been successfully employed for 40 years—as to propose a work which is palpably absurd, and impracticable as a remedy for the evils already resulting, and thus the matter is left without officially calling upon me to reply to these papers, and thus giving me an opportunity of rebutting this charge, and of showing what could be said on the other side. In the same way, on a former occasion, when I was ordered from Madras to report upon Cuttack, my Report, the fruit of long experience of the most unexceptionable kind, was submitted to a young man like Captain Crofton, with comparatively little experience at all and none whatever in the principles of construction; and I believe, when a book professing to contain the papers on the subject of Cuttack was printed by the Bengal Government, my paper was omitted; and the same was done with respect to the Toombudra Works in Madras;—every paper written against me was printed and published, but mine was omitted.

43. I cannot perceive how the public service can be promoted by thus dealing with great public questions—questions, indeed, of the very first importance to India and to England. If everything is to be heard and published on one side and nothing on the other, and the latter, too, the side on which by far the longest and most successful experience is, I cannot but think the public service must suffer.

44. The third point is to endeavour to show distinctly what progress has been made, both in the question of the Ganges Canal, and also of Public Works generally, through the discussion which has been lately carried on.

1*st*.—As I have already observed with respect to the Ganges Canal, the main point of all [is] the practicability of leading off the water from the trough region, as it has been strangely called, clear of all the difficulties of the hill tract, and the fundamental difference it would make in the project, is now fully granted.

2*nd*.—The use of stone in the works. It is stated that 1,400 cubic yards were to be ready in the hills by the 1st of last May, nearly half as much as would be required for the apron of a weir across the Ganges, so it is certain that we are no longer dependant upon brick masonry. The price stated is certainly enormous, Rupees 54 a cubic yard, but even this is by no means high enough to make it advisable to run so great a risk as to use bricks in the overfalls, &c., and I feel fully assured that it will be found, that, if properly managed, the works will be eventually executed at a price far below the above.

3*rd*.—It is quite evident that the practicability of a weir across the Ganges in the open country is now fully accepted, and all the ideas of awful inundation, &c., entirely given up.

4*th*—The fundamental principle originally insisted and acted upon, that navigation was a matter of very little importance in the project, is fully surrendered, and the work, it is allowed, ought to be made a thoroughly effective navigation, and that internal water transit is an absolute necessity.

Most of the remaining points are of much less importance, but they must all be surrendered before long. The one of most importance, the deep excavation which was one of the two great sources of waste of time and money, must have made a difference of another half million in the cost. Indeed, by far the greater number of minor mistakes which were denied in the former part of this controversy are given up in Captain Crofton's Report, and allowed for in his plans for the re-modelling: and though not estimated for, yet the importance and practicability of continuing the navigation to Allahabad, instead of stopping at Cawnpoor, is also allowed in these papers It is impossible to overestimate the value of these points gained, especially the first, because it lies at the very root of the whole irrigation question for India. This point, once clearly seen and fully allowed, as it is now by the former opponents, that a large portion of the expenditure, and consequently of the time, is solely owing to mistakes in the projection, entirely alters the whole face of the question. Even only half a million, as estimated by Captain Crofton, saved by beginning below the hills, as I have shown, removes even this project, the only one that could be quoted against irrigation, to the other side, and makes it an additional argument in its favour, as it would certainly convert it from a failure in respect of returns to a very profitable work. And when we take the real difference that the change of head would have made, *viz.*, about one million, and add to it the saving of by far the greater part of accumulation of interest, &c., (for the works would then have been in profitable operation in half the time), it would certainly reduce the cost to about half of what it has been, and have placed it in one category with the Madras works as enormously profitable. For 1½ million acres of crop at a water-rate of Rs. 2, or £300,000, besides a very large income from navigation, suppose ½ pie ($\frac{1}{10}$d.) on 1,000 miles, and one million tons and passengers, or £250,000, making a total of £550,000 on half the present capital, or 1½ millions, would be 37 per cent. And certainly one million tons and passengers on such a navigation is far below what it would soon become at the prices at which they could be carried.

45. This calculation also does not allow for the saving in the excavation, which would have reduced the cost to one million, or one-third of the present capital, and that this is a true calculation, at least that it certainly does not err on the side of too low an estimate, is most certainly proved by comparison with the cost of irrigation in Madras. The Kistna and Godavery Works together will irrigate two million acres of *rice* before a million is spent on them, which is 10*s* an acre of *rice*, and at this rate 1½ million acres of *wheat* in the Dooab would cost only ¾ of a million—even supposing that wheat required as much water as rice—and I can positively affirm that the Dooab is a much easier tract to water than the Deltas of the Godavery and Kistna. I am not surprised at

men being startled at these calculations, but I am quite sure that if the reasons are calmly considered by unbiassed persons, whether Engineers or not, they will see that they are plain and undeniable, and such as it does not require profesional men to judge of. For instance, who cannot see the advantage over the Godavery Delta in our having in the latter to deal with a river four miles broad, 30 feet deep in the freshes, and carrying 200 million cubic yards of water per hour, rather than the Ganges about half a mile broad, 12 feet deep, and carrying 20 or 25 million cubic yards. The two channels of the Ganges above Hurdwar, where the weir should have been built, (if built in that neighbourhood), are only 400 yards broad, against 4,000, the united breadths of the four channels of the Godavery across which the masonry dam has been built. To show this in the simplest way I give here sections of the weirs for the three rivers.

46. These are all on the same scale, and they put in a clear light the extraordinary nature of the ideas which have been entertained in the North-West as to the extreme difficulty of establishing a weir on the Ganges, and that if one were built, "the works would be breached and washed away with the violence of the flood"—and again, that "if constructed similar to those in Southern India, they would inevitably fail on the first serious trial." The contrast between these unaccountable assertions, and the above sections, is something approaching to the ludicrous.

47. The dimensions here proposed for the Ganges weir are those which the depth of water requires. The great depth of the Kistna, as here shown, does not continue all across the river, but it shows what the work had to stand just the same as if it did. Now, with reference to the points thus gained in the controversy, might I not fairly expect, that, having thus acknowledged that I was right in all these main ones, and my opponents wrong, there would remain some suspicion that in the remaining ones Madras experience might be best too, that it was thus a very serious question whether the whole project ought not rather to be "re-modelled" on the Madras principle, or at least that the Madras Officers should be fairly heard in reply to what is now proposed to be done.

48. Is it not more than probable that those who are now acknowledged to be wrong in their objections to the use of stone to the leading of the water from below the hills are also mistaken in minor points?

49. I would also now beg to call attention to the ground gained in this discussion as to Public Works in India in general.

50. The first, and one also of incalculable importance, is the acknowledgment now first made in a Bengal Report, and tacitly allowed in the Despatch, that nothing but water can convey the great traffic of India. For 15 years not a word would be listened to on this great and fundamental point, a discussion of the question of land carriage; and whether it would meet the wants of the country, either in respect of cost or of quantity, was reprob[ated] in official papers and tacitly submitted to by Government, as "adverse discussion;" and now after a loss of so many years, and an expenditure of 60 millions on Railways, it is allowed that we have yet to begin upon a system of transit essential to the well-being of the country. It is now said that Railways cannot, nor ever will, be able to, carry the heavy and bulky raw materials which form the staples of commerce in a country like this at sufficiently low rates, &c.; and the carriage of a ton of cotton by land from Agra to Calcutta, costing £17, is contrasted with the same carried 1,000 miles in the [?] for £1-14, and this is accepted by Government as the true state of the case. We have thus at length arrived at another great and essential principle in the improvement of India by Public Works. Had this point been allowed to be discussed 12 years [ago ?], all India would before this have been traversed by main lines of steam-boat canal, and assuredly an addition made to her income much beyond the whole amount of taxes she now pays. Still it is an amazing step gained to have reached this even now. The difference above given of about £16 a ton, for 1,000 miles, calculated on only 2½ million tons for all India, would make 40 millions sterling, equal to the whole of the taxes of India; and it is evident that 2½ million tons, carried 1,000 miles, is only a very small part of the traffic of the country. If only an average of half a million tons were carried on an average over the 4,000 miles *of Railway now being laid, they would cost the country* 32 *millions more than if carried along* 4,000 *miles of canal*, and this length of canal could certainly have been made for 12 millions, or at £3,000 a mile. But half a million tons are quite a small part of the tonnage that would be carried on the most important 4,000 miles of communication in India at water-rates; no doubt they would average three or four millions of tons besides passengers. This will give some idea of the loss that India has suffered from all discussions having been so long rejected in the question of communications.

51. I trust that this acknowledgment of the principle will not be considered sufficient that the subject of water-carriage will now be decidedly and vigorously taken up. There is one other main point that I wish to refer to in this letter—it is that of a weir at the head of the canal. After all that has been said, and though all the three Engineers of longest experience are now quite agreed on the necessity of it, *viz.*, Colonel Smith, Sir P. Cautley, and myself, Captain Crofton decides to reject it. It may be argued that he says "that the necessity has been acknowledged by all, &c." But the question here is not about what is said, but about what is done—saying that they are necessary, or saying that they are not, will not make the slightest difference; the canal will be unsupplied with water at the most critical times, whichever of these two is said. The question lies between doing and not doing. Captain Crofton has rejected the weir from his estimates for remodelling the canal, and in his opinion this is contrary to our united opinions. I must beg to urge this point upon the consideration of Government. Is the work thus to be left in a state in which it will most certainly fail in the terrible time of famine, as Colonel Smith shows it did in both years before from want of secure head-works?

52. I regret the great length of this letter; the points I have touched upon are all leading ones and such as are at the very foundation of the material prosperity of India.

53. I shall not attempt to answer Captain Crofton's remarks on the details of the works I recommend, nor give my opinion on the details of the works he recommends. But I consider my

peculiar position with respect to Public Works, and my duty to the Government and to India, oblige me to give a very decided opinion on the proposed works generally, viz., that they are utterly defective, and will certainly leave the project in an efficient state after two or three years' more delay, and an expenditure of another ½ a million; and that the whole project must be re-modelled, not on the old principles, but on the principles of the Madras works, those which have been proved to be sound principles by their wonderful success.

54. And certainly the one fact that I have already referred to, that, on a simple fundamental point in projecting such works, Captain Crofton has been obliged to acknowledge, upon a word from the "Times", that the canal head, which he estimated first at 2½ millions, could be constructed for half a million, is quite sufficient to throw a doubt on his competency to extricate this now most complicated case from the mess it has got into. I cannot conceive that an Officer, who does not know so simple a thing as whether a canal can be led from a certain point of a river to the surface of the country at a cost of 2½ millions or half a million, can be competent to deal with the far more intricate question of the correction of the evil of the work generally, nor how an Officer who has seen what can be done by works executed upon sound principles, but all whose experience has been in what is now proved to be a false school, can be the fittest man in India to deal with this most critical case.

55. I hope shortly to answer in detail Captain Crofton's remarks upon my suggestions, but in the mean time I would respectfully entreat the Government to consider further and near [more?] the other side of the question before proceeding with the remedies proposed.

56. I have before me the original systematic estimate for this work, £600,000, including the extension to Allahabad, and to water 1½ million acres. There has been already expended upon it nearly two millions, and not half a million of acres have yet been watered; an estimate of more than half a million, without allowing for head-works, is now prepared, and even were the work so proposed effective, it would have then cost four times the original estimate, and yet leave the head-works and the extension of 120 miles to Allahabad to be executed, requiring more than quarter millions more.

57. Is it not perfectly reasonable that, having arrived at such a crisis, we should not still without real investigation proceed merely to patch up the present works, but thoroughly review the whole project, and endeavour by calling in every experience we have gained to ascertain as far as possible what can yet be made of it?

58. For the encouragement of Government, I can most positively affirm that the project is yet perfectly capable of being made a thoroughly effective and highly navigable one, if only it is treated upon sound principles.

59. It must be remembered that, as yet, there has been no real discussion whatever as to the details of the works for "re-modelling,"—they have been settled exclusively by Officers of the same school, all committed to the original principles, and all under the influence of the same local prejudices.

60. From my peculiar position now as the Officer of most experience in such works, I cannot but think it is my clear duty earnestly to protest against thus dealing with this work, and to put on record my opinion that the view taken of the case by Captain Crofton is, for want of the necessary experience, altogether superficial and unsatisfactory.

61. Especially I would call attention to the immeasurable mischief that will be done if this work is again left an inefficient navigation, either from the details of its arrangement, or from its stopping short of the point which is essential to its effective operation, *viz.*, Allahabad. It ought, from its position, length, dimensions, &c., to be, without any comparison, the first communication in the world; as yet there is not a real steamboat canal in existence, and this wants very little to fit it for steam navigation. It ought to be at this amount averaging two or three million tons of goods, and one or two millions of passengers per annum, at prices lower than have ever yet been seen in the world.

From MAJOR GENERAL SIR A. COTTON, Colonel Commandant, Madras Engineers, to Secy. to Govt. of India, P. W. Dept.,—(dated 16th November 1865.)

I regret to find that, in my letter on the Ganges Canal papers of the 9th instant, I made a mistake in stating that the original estimate of the works was £600,000. I see that this was for the line that was afterwards rejected, *viz.*, the circuitous one avoiding the aqueduct; but that for the line including that work, the amount was £720,000, including £56,000 for Ghât revetments, and also including the extension to Allahabad.

2. On the other hand, I find now that the present estimate of £400,000 does not allow for the completion of the works. The total probable expenditure therefore is, according to these papers, as follows:—

	£
Expended up to April 1863 ...	2,040,000
Present estimate	390,000
Completing present works and permanent head-works	540,000
	2,970,000
Add for extension to Allahabad, suppose 120 miles, at £2,000 ...	240,000
	3,210,000
Add accumulation of simple interest, &c., to the present time ...	830,000
Do. for two years while the "re-modelling" is carried out, or 10 per cent.	320,000
Total ...	4,360,000

Thus the total cost of the works, if the present estimate is found sufficient, will be 3¼ millions, besides interest, or nearly five times the original estimate, which was for the same extent of land, *viz.*, 1½ million of acres, and yet, if that extent is irrigated and the rates now ordered are charged, *viz.*, Rs. 2¼, the gross receipts for irrigation alone will be £340,000, or 8 per cent., and deducting 3 per cent. for repairs, &c., it will leave a net income of 5 per cent. on this work taken by itself.

3. But it will include 1,000 miles of navigation on the main line and principal branches, and

if only one million of tons and passengers are carried on an average over the whole length, at a toll of ¼ pie ($\frac{1}{32}$d.), the returns would be—

	£
Irrigation 1½ million acres, at Rs. 2¼	340,000
One million tons and passengers carried 1,000 miles at $\frac{1}{32}$d. ...	130,000
	470,000

or 11 per cent. Thus, even upon the present plan of proceeding, if the works succeeded, the result would be entirely satisfactory even with a very light toll.

4. But if the project is thoroughly reviewed, it will be found that a very great increase of water might be led over the country with a very small proportion of increase of cost, so that the returns might greatly exceed the above.

5. I may here also point out a source of error in comparing this work with the Madras ones, which does not appear from any of the papers. And it is this, that, in the Bengal papers, a million acres means not so much *land*, but so much *crop*; thus it will be, perhaps, as in the Eastern Jumna Canal, 400,000 acres of the monsoon or Khurreef crop, and 600,000 of the dry season or Rubbee crop. But in Madras, we mean one million acres of *land*, of which any proportion may be irrigated for a second crop, so that a million acres with us may mean 1½ million acres of crop or more. The Ganges Canal is thus only calculated to irrigate at one time about one million acres of *wheat*, while the Godavery works are calculated to irrigate more than a million of *rice*, and the Kistna works something under a million.

Sir Arthur Cotton's Strictures on the Scheme for remodelling the Ganges Canal.

Resolution by the Govt. of India, P. W. D., Nos. 204-10 C, dated 24th February 1866.

Read again :—

The Resolution in this Department, No. 227 C, date 27th February 1865, on Major Crofton's Scheme for remodelling the Ganges Canal.

A Despatch from Her Majesty's Government, No. 34, dated 30th June 1865, approving of the carrying out of Major Crofton's project.

Read—

Two letters from Major General Sir Arthur Cotton, *Kt.*, dated 9th and 16th November 1865, on the subject of Major Crofton's project.

OBSERVATIONS.—The project prepared by Major Crofton, R. E., for remodelling the Ganges Canal, was approved by the Governor General in Council in the Resolution of the 27th February 1865, and has since been sanctioned by the Secretary of State.

2. In according the approval of the Government of India to this project, the objections of Major General Sir Arthur Cotton were considered, and it was determined by the Governor General in Council that there appeared to be no sufficient *primâ facie* reason for abandoning the upper section of 100 miles of the Ganges Canal, in order to adopt a head for the Canal lower down the Ganges, as proposed by Sir Arthur Cotton. It seemed to the Governor General in Council that the case was so far clear, that it was not worth while further to pursue the project for the dam across the Ganges below the junction of the Solani, with new headworks and line of Canal to join the existing line. No further action was therefore taken on this proposal, but reasons were given why the Government of India considered that Sir Arthur Cotton may have misapprehended the state of the case.

3. The decision come to was submitted to Her Majesty's Government in England, and was approved. It was presumed that had it been considered necessary, notice of the course of action taken would have been communicated to Sir Arthur Cotton from the India Office.

4. Sir Arthur Cotton has since addressed the Secretary to the Government of India in this Department, complaining of the manner in which his proposals have been treated, and still urging the Government of India to consider the subject further, before adopting finally Major Crofton's project; and he gives his reasons for not placing confidence in that Officer's results.

5. While the Government of India regret that so much personal feeling should have been imported into this question, and although there still appears to the Governor General in Council to be reason to suppose that Sir Arthur Cotton may have misapprehended the state of the case owing to his not being aware of local circumstances, still it is fully admitted that the opinion of so distinguished an Engineer is deserving of the most attentive consideration. Whether in view to the right guidance of the Government, or to the satisfaction of the public as to the course it may determine to pursue, it seems right that the matter should be further investigated.

6. The Governor General in Council therefore resolves to convene a Committee of impartial Engineers to report upon the propriety of proceeding, as previously determined, with Major Crofton's project, which is now in progress of being carried out. On the report of this Committee, the Government of India will be able to decide whether to go on with Major Crofton's project, or to stop its progress pending the preparation of a detailed project after Sir Arthur Cotton's views, with a comparison of the cost and advantages of that project with those of Major Crofton's project.

7. In order to ensure, as far as possible, impartiality in the Committee, the Government of India has determined to exclude on the one hand Officers whose training in the engineering of irrigation works has been acquired only in Northern India, and, on the other hand, also those who are known to hold strongly opinions concurrent with those of Sir Arthur Cotton. But still it is desirable to include amongst the members Officers fully acquainted with the irrigation system of Southern India.

8. The Governor General in Council, therefore, selects the following Officers :—

Colonel E. Lawford, R. E., of the Madras Establishment, Chief Engineer of Mysore, an Officer of 35 years' service in the Madras Presidency and in Mysore, and of long experience in irrigation works.

Lieutenant Colonel J. C. Anderson, R. E., of the Madras Establishment, Consulting Engineer to the Government of Madras, in the Railway Department, and who has served both in the Punjab and in the Madras Presidency, and is acquainted with the irrigation system both in Northern and Southern India.

Lieutenant Colonel Fife, R. E., of the Bombay Establishment, an Officer well known for his experience in irrigation works in Sindh and Western India.

Mr. Sibley, Chief Engineer of the East Indian Railway in the North-Western Provinces, whose services have been placed at the disposal of the Government of India for this purpose by the Agent of the East Indian Railway.

Mr. H. Leonard, C. E., Superintending Engineer, South-Eastern Circle, Bengal.

9. The Committee will meet at Roorkee. Colonel Lawford will be appointed President, and the Committee will make its report to the Government of the North-Western Provinces, in order that it may be submitted to the Government of India with the opinion of His Honor the Lieutenant Governor.

10. Major Crofton will attend the Committee to explain his project, and the Committee will also be able, if it be considered necessary, to take the evidence of Lieutenant Colonel Dyas, the Chief Engineer of Irrigation Works in the North-Western Provinces, and of Colonel Rundall, R. E., who reported jointly with Sir Arthur Cotton on the Ganges Canal, and of any other Officers whose opinions it may be desirable to take.

11. It is probable that the Committee will not be able to meet before the middle of March, but of this due notice will be given. In the mean time, the several Officers have been warned.

12. Instructions have also been issued to the Government of the North-Western Provinces to prepare at Roorkee, for the information of the Committee, the records of surveys and levels, and to cause such additional lines of levels to be taken as may appear desirable to lay before the Committee. Aided by these, the Committee will, it is expected, be able, within a few weeks, to examine the country and pronounce upon Sir Arthur Cotton's proposal, so far as to decide the question as to the propriety of causing a detailed project to be prepared or not.

13. In connection with this subject, it is observed by the Governor General in Council that, although Sir Arthur Cotton's objections are based mainly on engineering questions, the degree of success attainable in the construction of Canals and other Irrigation works, is due in a great measure to matters unconnected with engineering, and depending on climate, soil, the system of agriculture, and the habits of the people. These differ materially in Northern and Southern India, and the differences in opinion which appear between the Engineers of the two regions arise, doubtless, in some measure, from want of full knowledge on these points, as well as from want of familiarity with the local physical geography.

14. It would doubtless conduce much to clearing up differences and doubts upon the subject of Irrigation works if Officers familiar with the system in Northern India were deputed by the Government of the North-Western Provinces and the Punjab to report on the works in the Madras Presidency; and, similarly, if Officers from the south were deputed by the Government of Madras to inspect and report upon the works of Northern India.

15. The Government of India invites the attention of the Governor of Madras in Council, and of the Lieutenant Governors of the North-Western Provinces and the Punjab, to this subject, and will be ready to receive proposals for deputing Officers for the object indicated.

ORDER.—Ordered, that a copy of the foregoing observations be forwarded to the Government of the North-Western Provinces for information and guidance.

Also to the Governments of Madras and the Punjab.

Ordered also, that copies be forwarded to the Governments of Bombay and Bengal, and the Chief Commissioner of the Central Provinces, for information.

Ordered, further, that a copy be forwarded to Major General Sir Arthur Cotton as a reply to that Officer's letters entered above.

Government of Fort St. George.

Cinchona Operations in the Neilgherries.

Report on the Number and Condition of Cinchona Plants on the Neilgherries on the 31st December 1865.

Species.	Botanical Names.	Commercial Names.	No. of Plants.	Value per lb. of Dry Bark in the London Market.	Remarks.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark	2,84,276	2 6 to 8 9	The number of plants planted out in the plantations remain the same as in last month, namely, 2,44,871. The increase by propagation is 53,403, being 1,548 above the average of the last six months, making the total number of plants 9,41,257.
2	C. Calisaya ... Var Frutex ... „ Vera ...	Yellow Bark	3,156	2 10 to 7 0	
3	C. Officinalis Var Condamenia (C. Uritusinga)	Original Loxa Bark	8,189	2 10 to 7 0	
4	Ditto Var Bonplandiana (C. Chahuarguera)	Select Crown Bark	6,11,488	2 10 to 7 0	
5	C. Crespilla ...	Fine Crown Bark ...	3,879	2 10 to 6 0	
6	C. Lancifolia ...	Pitayo Bark ...	159	1 8 to 2 10	
7	C. Nitida ...	Genuine Grey Bark	2,786	1 8 to 2 9	
8	C. Species without name ...	Fine Grey Bark ...	8,500	1 8 to 2 10	
9	C. Micrantha ...	Grey Bark ...	15,010	1 8 to 2 9	
10	C. Peruviana ...	Finest Grey Bark...	3,389	1 8 to 2 10	
11	C. Pahudiana ...	Unknown ...	425	Unknown.	
		Total number of Plants...	9,41,257		

TABLE II.

Memorandum of the growth of eleven Plants of C. Succirubra, planted on the 2nd Denison Plantation at Neddivuttum on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 30th Nov. 1865.	Height in inches on the 31st Dec. 1865.	Growth in inches during Dec. 1865.	By whom planted.
1	23	129¾	131	1¼	His Excellency Sir W. Denison.
2	16½	115½	117¼	1¾	
3	19	116½	119	2½	
4	15	110½	110½	...	
5	27	134	134¼	¼	
6	20	107¼	107½	¼	
7	20	119	122	3	J. W. Breeks, Esq.
8	18	123¾	124½	¾	Dr. Sanderson.
9	20	128	129½	1½	J. D. Sim, Esq.
10	20	129	130½	1½	Lieutenant McLeod.
11	18	111	112½	1½	P. Grant, Esq.
12	...	78½	82	3½	Plant cut down for bark.

Table II exhibits the growth of eleven plants of C. Succirubra planted out by His Excellency the Governor and other gentlemen at Neddivuttum on the 30th August 1862. The average growth of these plants during the month is 1¼ inches, or about the same as last month.

One of the two plants cut down on the 20th of March 1863 for the bark submitted to Mr. Howard for analysis has made strong shoots of 82 inches in height, giving the growth of 3½ inches during the month.

TABLE III.

Showing the height of twelve plants of C. Officinalis, planted on the Dodabetta Plantation at Ootacamund on the 30th September 1863.

No. of Plants.	Height in inches when planted on the 30th Sept. 1863.	Height in inches on the 30th Nov. 1865.	Height in inches on the 31st Dec. 1865.	Growth in inches during Dec. 1865.
1	19	103½	106½	3
2	14½	93	95	2
3	28	103½	107	3½
4	22	101	103½	2½
5	21½	103½	107	3½
6	28	117	119½	2½
7	22½	98½	101	2½
8	21½	97	100½	3½
9	21½	109½	113	3½
10	19½	101½	104½	3
11	24	106	109½	3½
12	24	105	108	3

The twelve plants of C. Officinalis (a shrubby species) on the Dodabetta plantation gives an average growth of 3 inches, or $\frac{1}{12}$ of an inch under the growth of last month.

The total number of plants distributed is 83,676.

OOTACAMUND,
17*th January* 1866.

W. G. McIVOR,
Supdt., Govt. Cinchona Plantations.

Printed and Published for the Government of India, by G. T. CUTTER, *at the Military Orphan Press.*

The Gazette of India,

EXTRAORDINARY.

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CALCUTTA, TUESDAY, MARCH 13, 1866.

No. 248.

FOREIGN DEPARTMENT.

Fort William, the 12th March 1866.

NOTIFICATION.

His Excellency the Viceroy and Governor General in Council is pleased to publish for general information the terms of a Treaty and Agreement lately concluded with the Government of Bhootan, and a Despatch received from the Right Hon'ble the Secretary of State for India, reviewing the provisions of the same.

The Treaty extorted from the British Envoy was given up to Colonel Bruce by the Bhootanese Government on the 8th November 1865. And on the 25th February, the two guns, lost at Dewangiri, were surrendered at the River Monass into the hands of Colonel Richardson.

W. MUIR,
Secy. to the Govt. of India.

TREATY *between* HIS EXCELLENCY *the* RIGHT HON'BLE SIR JOHN LAWRENCE, G. C. B., K. S. I., *Viceroy and Governor General of Her Britannic Majesty's possessions in the East Indies, and their Highnesses the* DHURM AND DEB RAJAHS *of Bhootan, concluded on the one part by* LIEUTENANT-COLONEL HERBERT BRUCE, C. B., *by virtue of full powers to that effect vested in him by the Viceroy and Governor General, and on the other part by* SAMDOJEY DEB JIMPEY *and* THAMSEYRENSEY DOWAI, *according to full powers conferred on them by the* DHURM *and* DEB RAJAHS.

ARTICLE I.

THERE shall henceforth be perpetual peace and friendship between the British Government and the Government of Bhootan.

ARTICLE II.

Whereas, in consequence of the repeated aggressions of the Bhootan Government and the refusal of that Government to afford satisfaction for those aggressions, and of their insulting treatment of the Officers sent by His Excellency the Governor General in Council for the purpose of procuring an amicable adjustment of differences existing between the two States, the British Government has been compelled to seize by an armed

force the whole of the Dooars and certain hill posts protecting the passes into Bhootan; and whereas the Bhootan Government has now expressed its regret for past misconduct, and a desire for the establishment of friendly relations with the British Government, it is hereby agreed that the whole of the tract known as the eighteen Dooars, bordering on the districts of Rungpore, Cooch Behar and Assam, together with the talook of Ambaree Fallacottah and the Hill Territory on the left bank of the Teesta up to such points as may be laid down by the British Commissioner appointed for the purpose, is ceded by the Bhootan Government to the British Government for ever.

ARTICLE III.

The Bhootan Government hereby agree to surrender all British subjects, as well as subjects of the Chiefs of Sikhim and Cooch Behar, who are now detained in Bhootan against their will, and to place no impediment in the way of the return of all or any of such persons into British Territory

ARTICLE IV.

In consideration of the cession by the Bhootan Government of the territories specified in Article II. of this Treaty and of the said Government having expressed its regret for past misconduct, and having hereby engaged for the future to restrain all evil-disposed persons from committing crimes within British Territory or the territories of the Rajahs of Sikhim and Cooch Behar, and to give prompt and full redress for all such crimes which may be committed in defiance of their commands, the British Government agree to make an annual allowance to the Government of Bhootan of a sum not exceeding fifty thousand Rupees (Rs. 50,000), to be paid to Officers not below the rank of Jungpen, who shall be deputed by the Government of Bhootan to receive the same. And it is further hereby agreed that the payments shall be made as specified below:—

On the fulfilment by the Bhootan Government of the conditions of this Treaty, twenty-five thousand Rupees (Rs. 25,000).

On the 10th January following the first payment, thirty-five thousand Rupees (Rs. 35,000).

On the 10th January following, forty-five thousand Rupees (Rs. 45,000).

On every succeeding 10th January, fifty thousand Rupees (Rs 50,000).

ARTICLE V.

The British Government will hold itself at liberty at any time to suspend the payment of this compensation money, either in whole or in part, in the event of misconduct on the part of the Bhootan Government, or its failure to check the aggression of its subjects, or to comply with the provisions of this Treaty.

ARTICLE VI.

The British Government hereby agree, on demand being duly made in writing by the Bhootan Government, to surrender, under the provisions of Act VII of 1854, of which a copy shall be furnished to the Bhootan Government, all Bhootanese subjects accused of any of the following crimes who may take refuge in British Dominions:— The crimes are murder, attempting to murder, rape, kidnapping, great personal violence, maiming, dacoity, thuggee, robbery, burglary, knowingly receiving property obtained by dacoity, robbery or burglary, cattle stealing, breaking and entering a dwelling-house and stealing therein, arson, setting fire to a village, house, or town, forgery or uttering forged documents, counterfeiting current coin, knowingly uttering base or counterfeit coin, perjury, subornation of perjury, embezzlement by public officers or other persons, and being an accessory to any of the above offences

ARTICLE VII.

The Bhootan Government hereby agree, on requisition being duly made by, or by the authority of, the Lieutenant Governor of Bengal, to surrender any British subjects accused of any of the crimes specified in the above Article who may take refuge in the territory under the jurisdiction of the Bhootan Government, and also any Bhootanese subjects who, after committing any of the above crimes in British Territory, shall flee into Bhootan, on such evidence of their guilt being produced as shall satisfy the Local Court of the District in which the offence may have been committed.

ARTICLE VIII.

The Bhootan Government hereby agree to refer to the arbitration of the British Government all disputes with, or causes of complaint against, the Rajahs of Sikhim and Cooch Behar, and to abide by the decision of the British Government; and the British Government hereby engage to enquire into and settle all such disputes and complaints in such manner as justice may require, and to insist on the observance of the decision by the Rajahs of Sikhim and Cooch Behar.

ARTICLE IX.

There shall be free trade and commerce between the two Governments. No duties shall be levied on Bhootanese goods imported into British Territories, nor shall the Bhootan Government levy any duties on British goods imported into or transported through the Bhootan Territories. Bhootanese subjects residing in British Territories shall have equal justice with British subjects, and British subjects residing in Bhootan shall have equal justice with the subjects of Bhootan Government.

ARTICLE X.

The present Treaty of Ten Articles having been concluded at Sinchula on the 11th day of November 1865, corresponding with the Bhootea year Sim Lung, 24th day of the 9th month, and signed and sealed by Lieutenant Colonel Herbert Bruce, C.B., and Samdojey Deb Jimpey and Thamseyrensey Dowai, the ratifications of the same by His Excellency the Viceroy and Governor General, or His Excellency the Viceroy and Governor General in Council, and by their Highnesses the Dhurm and Deb Rajahs, shall be mutually delivered within thirty days from this date.

H. BRUCE, *Lieut. Colonel,*
Chief Civil and Political Officer.

AGREEMENT.

WE, Samdojey Deb Jimpey and Thamseyrensey Dowai, the two high officers of the Bhootan Court, will go back to the Deb Rajah and fully explain to His Highness about the two guns which fell into the hands of the Bhooteah Troops on the evacuation of Dewangiri, and obtain His Highness's consent to go to Tongso about them. If we succeed in getting back the guns by bringing Tongso Penlow to terms, we will either bring the guns back and restore them at Sinchula, or else cause them to be handed over to the British Officers at Dewangiri; but if we should unfortunately be unsuccessful, one of us will come down to the Representative of the British Government for assistance, and, in the meantime, we agree to explain to His Highness the Deb Rajah that no money payment can be expected under the 4th Article of the Treaty.

We further agree that no money payment under the Treaty shall be due to the Bhootan Government in the event of Mr. Eden and Cheeboo Lama declaring that a second copy of the Treaty extorted from them was left by them in Bhootan, until such time as the said second copy shall be found and surrendered to the Representative of the British Government, and we fully understand and acknowledge that, until the two British guns are restored, no money payment under the Treaty will be due to the Bhootan Government.

Done this 10th day of November 1865, corresponding with 23-9th month, Bhootea year Sim Lung, or one day previous to the date fixed for the formal signature of the Treaty in public Durbar at Sinchula.

(Signed) SAMDOJEY DEB JIMPEY Seal.

THAMSEYRENSEY DOWAI Seal.

DESPATCH FROM THE SECRETARY OF STATE FOR INDIA.

POLITICAL.
No. 4.

INDIA OFFICE,
London, 1*st February* 1866.

To His Excellency the Right Honourable the Governor General of India in Council.

SIR,

PARA. 1. I have considered in Council the Despatches of your Excellency's Government, noted in the margin, relating to the negotiation and the execution of the treaty of peace recently concluded with the Bhootan Government. I now proceed to communicate to you the views of Her Majesty's Government respecting the important matters referred to in this correspondence.

Foreign Letter,	9th Jan.,	No.	5,	1865.
" "	9th Feb.,	"	18,	"
" "	9th March,	"	31,	"
" "	22d "	"	33,	"
" "	17th April,	"	42,	"
" "	31st May,	"	57,	"
" "	16th June,	"	81,	"
" "	15th Aug.,	"	111,	"
" "	20th Sept.,	"	123,	"
" "	5th Oct.,	"	135,	"
" "	21st "	"	141,	"
" "	21st "	"	150,	"
" "	22nd Nov.,	"	162,	"
" "	8th Dec.,	"	167,	"

2. The long-continued aggressions of the Bhooteahs upon your frontier, by which not only much property had been carried off, but many subjects of the British Government, or of our allies, had been made prisoners and slaves, had induced Lord Canning to entertain the question of despatching an expedition into the Bhootan country, but his attention was diverted from it by the Mutiny in 1857.

3. On the restoration of tranquillity, the subject of this expedition was again brought under the consideration of the Government of India. The outrages, which had so long rendered insecure the property and the liberty of our people on the Bhootan frontier, still continued, and the necessity of some interference on the part of your Government was as urgent as before. In order, however, if possible, to obtain reparation for the past and security for the future, without resorting to hostile measures, it was determined to despatch a British Officer on a mission to the Bhootan Rajahs.

4. As on former occasions, British missions, which had been despatched to the Bhootan capital, had been well received, there was no reason to believe that the Officer deputed to proceed to Poonakha would be otherwise than courteously treated in the Bhootan country.

5. The Envoy selected for this duty was the Honourable Ashley Eden, who had before been employed in adjusting your relations with the Sikhim State, on which occasion he had perfectly succeeded, and had evinced, in difficult circumstances, ability and energy of a high order.

6. Mr. Eden had not, however, penetrated far into the country, when it became obvious that unanticipated difficulties would be thrown in his way. In my Despatch of 18th July 1864, No. 39, I had concurred in the opinion expressed by your Excellency, that it might have been better if Mr. Eden had abstained, in the face of these difficulties, from advancing further than Paro. In any circumstances, Her Majesty's Government could not severely condemn what could only be considered as an error in judgment on the part of a public officer, resulting from a determination to carry out the instructions committed to him, and to endeavour at any personal risk to avert the contingency of war. But it now appears, from the correspondence forwarded to me with your Foreign (General) Letter of 5th October (No. 39) 1865 (to which I have replied in a separate Despatch), that Mr. Eden was encouraged in the course which he pursued of advancing to Poonakha, by those under whose authority he was acting.

7. On his arrival at Poonakha, Mr. Eden was subjected to such gross insults and indignities at the hands of certain high officers of the Bhootan Government, that it became impossible for your Excellency to refrain from exacting reparation from a State that had so outraged the British Government in the person of its Envoy. Accordingly, a Military expedition was equipped for service in Bhootan in the cold season of 1864.

8. It is unnecessary in this Despatch to enter into the military operations of 1864-65. They were necessarily brought to a close by the rains of the latter year. No satisfactory results having been obtained, you proceeded to make preparations for the renewal of operations at the commencement of the ensuing cold season.

9. Before, however, any hostilities had taken place, overtures were made on the part of the Bhootan Rajahs, which showed that they were anxious to enter into negotiations for peace.

10. Colonel Bruce was therefore instructed to communicate to the Bhootan authorities the terms upon which your Government were prepared to enter into negotiations with them, and, pending such negotiations, to suspend hostilities.

11. The preliminary terms were to the effect that the Government of Bhootan must tender an ample apology for the insults offered to the British mission; that they must surrender the Treaty extorted from Mr. Eden at Poonakha, give up the British guns abandoned at Dewangiri, and liberate all the subjects of the British Government and of the Cooch Behar and Sikhim Rajahs detained against their will in Bhootan.

12. The Bhooteah authorities having agreed to these preliminaries, and the Treaty extorted from Mr. Eden having been actually surrendered, Colonel Bruce proceeded to negotiate the terms of the permanent arrangement of a new Treaty.

13. The Bhootan Government agreed to surrender all British subjects and all subjects of Cooch Behar and Sikhim detained in Bhootan against their will, and subscribed to articles for the mutual extradition of criminals, the maintenance of free trade between the two countries, and the arbitration by the British Government of all disputes between the Bhootan Government and the Chiefs of Cooch Behar and Sikhim.

14. They were further required to cede, in perpetual sovereignty, to the British Government the whole of the plain country known as the Dooars, not only those which had been for some time in British occupation, but also the Western Dooars adjacent to Bengal, which had not been so occupied before the commencement of hostilities (making in the aggregate eighteen) together with certain hill posts protecting the passes into Bhootan. The country thus ceded was estimated to yield an annual revenue of about a lakh and a half of rupees, or 15,000*l.* per annum.

15. In respect to the Dooars, which had for many years been occupied by the British Government, a certain annual payment from their revenues had always been made to Bhootan; and now that a much larger tract of country was to be made over in full sovereignty to the British Government, it was proposed to extend this system, and to increase the amount to be paid to the Bhooteahs from 25,000 rupees progressively, in three years, to 50,000 rupees, during the good conduct of the Bhooteah Government.

16. Her Majesty's Government have fully considered the reasons which have induced your Excellency to adopt this course.

17. Although the British Government had no desire to extend its frontiers by taking possession of the Dooars, it was necessary that you should mark your sense of the misconduct of the Bhooteah rulers in the most palpable and lasting manner; and still more was it necessary, for the due protection of the inhabitants of the British Provinces on the borders of Bhootan, and also of the people of Sikhim and Cooch Behar, that, after the experience of so many years of rapine, the Dooars should be occupied by the British Government. But it was not necessary, and I concur in opinion with your Excellency's Government that it was not desirable, to impoverish the Bhootan State, by absorbing the entire revenues of the country which you had determined to annex, and which yielded a large part of the public income of Bhootan. To have alienated from its former Government the whole of those revenues would have seriously weakened the power of the Bhootan authorities, and this might have led to a continuance of the anarchy within the territories of the Bhooteah Rajahs, and those continual maraudings and depredations across the frontiers, which have rendered necessary the intervention of your Government. The existence of a strong Government in the neighbouring States, and the prosperity of their subjects, are among the best securities for the permanent peace of our frontiers. To deprive the Government of a contiguous country of the means of enforcing its authority over its Chiefs and functionaries and of compelling them to execute the engagements which it has entered into for the maintenance of the peace and security of our frontier, can in no case be sound policy. In this view, it would not be advisable to impair the resources of the Bhootan State to the extent that must have resulted from the abstraction of the entire revenues of the Dooars,

18. Moreover, as the arrangement into which you have entered provides for the non-payment of the stipulated sums, in the event of any infraction of the terms of the Treaty or any acts hostile to the peace and security of the British frontier, you will hold in your hands a material guarantee of the most stringent kind for the good conduct of the Bhootan Government and for the due observance of the Treaty.

19. Her Majesty's Government are therefore of opinion that what your Excellency describes as your liberal treatment of the Bhooteahs, is equally sound as a measure of policy, and is more likely to conduce to the great objects of an enduring peace and the protection of the inhabitants of the frontier country than the infliction of any severer measure of punishment upon the existing rulers of Bhootan; and they fully approve of the course which you have adopted in treating with the Bhootan Government upon the basis described.

20. Your Despatch further states, that execution of the Treaty was to depend upon the actual delivery of the British guns, for which a separate engagement had been signed, a period of two months being allowed for their surrender. In the event of their not being given up within that time, military operations, in conjunction with the Deb and Dhurm Rajahs, were to be undertaken for the purpose of compelling the Toungso-Penlow to surrender them. Your Excellency, however, was of opinion that the Rajahs were thoroughly in earnest, and it was believed by your Officers in Bhootan that the guns would be given up without much further delay. It will afford Her Majesty's Government satisfaction to learn that this has been done, and that peace has been established between the two countries, with every prospect of its permanent continuance.

I have the honor to be,

SIR,

Your most obedient, humble Servant,

C. WOOD.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

The Gazette of India,

EXTRAORDINARY.

Published by Authority.

CALCUTTA, TUESDAY, MARCH 13, 1866.

No. 248.

FOREIGN DEPARTMENT.

Fort William, the 12th March 1866.

NOTIFICATION.

His Excellency the Viceroy and Governor General in Council is pleased to publish for general information the terms of a Treaty and Agreement lately concluded with the Government of Bhootan, and a Despatch received from the Right Hon'ble the Secretary of State for India, reviewing the provisions of the same.

The Treaty extorted from the British Envoy was given up to Colonel Bruce by the Bhootanese Government on the 8th November 1865. And on the 25th February, the two guns, lost at Dewangiri, were surrendered at the River Monass into the hands of Colonel Richardson.

W. MUIR,
Secy. to the Govt. of India.

TREATY *between* HIS EXCELLENCY *the* RIGHT HON'BLE SIR JOHN LAWRENCE, G. C. B., K. S. I., *Viceroy and Governor General of Her Britannic Majesty's possessions in the East Indies, and their Highnesses the* DHURM AND DEB RAJAHS *of Bhootan, concluded on the one part by* LIEUTENANT-COLONEL HERBERT BRUCE, C. B., *by virtue of full powers to that effect vested in him by the Viceroy and Governor General, and on the other part by* SAMDOJEY DEB JIMPEY *and* THAMSEYRENSEY DOWAI, *according to full powers conferred on them by the* DHURM *and* DEB RAJAHS.

ARTICLE I.

THERE shall henceforth be perpetual peace and friendship between the British Government and the Government of Bhootan.

ARTICLE II.

Whereas, in consequence of the repeated aggressions of the Bhootan Government and the refusal of that Government to afford satisfaction for those aggressions, and of their insulting treatment of the Officers sent by His Excellency the Governor General in Council for the purpose of procuring an amicable adjustment of differences existing between the two States, the British Government has been compelled to seize by an armed

force the whole of the Dooars and certain hill posts protecting the passes into Bhootan; and whereas the Bhootan Government has now expressed its regret for past misconduct, and a desire for the establishment of friendly relations with the British Government, it is hereby agreed that the whole of the tract known as the eighteen Dooars, bordering on the districts of Rungpore, Cooch Behar and Assam, together with the talook of Ambaree Fallacottah and the Hill Territory on the left bank of the Teesta up to such points as may be laid down by the British Commissioner appointed for the purpose, is ceded by the Bhootan Government to the British Government for ever.

ARTICLE III.

The Bhootan Government hereby agree to surrender all British subjects, as well as subjects of the Chiefs of Sikhim and Cooch Behar, who are now detained in Bhootan against their will, and to place no impediment in the way of the return of all or any of such persons into British Territory.

ARTICLE IV.

In consideration of the cession by the Bhootan Government of the territories specified in Article II. of this Treaty and of the said Government having expressed its regret for past misconduct, and having hereby engaged for the future to restrain all evil-disposed persons from committing crimes within British Territory or the territories of the Rajahs of Sikhim and Cooch Behar, and to give prompt and full redress for all such crimes which may be committed in defiance of their commands, the British Government agree to make an annual allowance to the Government of Bhootan of a sum not exceeding fifty thousand Rupees (Rs. 50,000), to be paid to Officers not below the rank of Jungpen, who shall be deputed by the Government of Bhootan to receive the same. And it is further hereby agreed that the payments shall be made as specified below:—

On the fulfilment by the Bhootan Government of the conditions of this Treaty, twenty-five thousand Rupees (Rs. 25,000).

On the 10th January following the first payment, thirty-five thousand Rupees (Rs. 35,000).

On the 10th January following, forty-five thousand Rupees (Rs. 45,000).

On every succeeding 10th January, fifty thousand Rupees (Rs 50,000).

ARTICLE V.

The British Government will hold itself at liberty at any time to suspend the payment of this compensation money, either in whole or in part, in the event of misconduct on the part of the Bhootan Government, or its failure to check the aggression of its subjects, or to comply with the provisions of this Treaty.

ARTICLE VI.

The British Government hereby agree, on demand being duly made in writing by the Bhootan Government, to surrender, under the provisions of Act VII of 1854, of which a copy shall be furnished to the Bhootan Government, all Bhootanese subjects accused of any of the following crimes who may take refuge in British Dominions:— The crimes are murder, attempting to murder, rape, kidnapping, great personal violence, maiming, dacoity, thuggee, robbery, burglary, knowingly receiving property obtained by dacoity, robbery or burglary, cattle stealing, breaking and entering a dwelling-house and stealing therein, arson, setting fire to a village, house, or town, forgery or uttering forged documents, counterfeiting current coin, knowingly uttering base or counterfeit coin, perjury, subornation of perjury, embezzlement by public officers or other persons, and being an accessory to any of the above offences.

ARTICLE VII.

The Bhootan Government hereby agree, on requisition being duly made by, or by the authority of, the Lieutenant Governor of Bengal, to surrender any British subjects accused of any of the crimes specified in the above Article who may take refuge in the territory under the jurisdiction of the Bhootan Government, and also any Bhootanese subjects who, after committing any of the above crimes in British Territory, shall flee into Bhootan, on such evidence of their guilt being produced as shall satisfy the Local Court of the District in which the offence may have been committed.

ARTICLE VIII.

The Bhootan Government hereby agree to refer to the arbitration of the British Government all disputes with, or causes of complaint against, the Rajahs of Sikhim and Cooch Behar, and to abide by the decision of the British Government; and the British Government hereby engage to enquire into and settle all such disputes and complaints in such manner as justice may require, and to insist on the observance of the decision by the Rajahs of Sikhim and Cooch Behar.

ARTICLE IX.

There shall be free trade and commerce between the two Governments. No duties shall be levied on Bhootanese goods imported into British Territories, nor shall the Bhootan Government levy any duties on British goods imported into or transported through the Bhootan Territories. Bhootanese subjects residing in British Territories shall have equal justice with British subjects, and British subjects residing in Bhootan shall have equal justice with the subjects of Bhootan Government.

ARTICLE X.

The present Treaty of Ten Articles having been concluded at Sinchula on the 11th day of November 1865, corresponding with the Bhootea year Sim Lung, 24th day of the 9th month, and signed and sealed by Lieutenant Colonel Herbert Bruce, C.B., and Samdojey Deb Jimpey and Thamseyrensey Dowai, the ratifications of the same by His Excellency the Viceroy and Governor General, or His Excellency the Viceroy and Governor General in Council, and by their Highnesses the Dhurm and Deb Rajahs, shall be mutually delivered within thirty days from this date.

H. BRUCE, *Lieut. Colonel,*

Chief Civil and Political Officer.

AGREEMENT.

WE, Samdojey Deb Jimpey and Thamseyrensey Dowai, the two high officers of the Bhootan Court, will go back to the Deb Rajah and fully explain to His Highness about the two guns which fell into the hands of the Bhootcah Troops on the evacuation of Dewangiri, and obtain His Highness's consent to go to Tongso about them. If we succeed in getting back the guns by bringing Tongso Penlow to terms, we will either bring the guns back and restore them at Sinchula, or else cause them to be handed over to the British Officers at Dewangiri; but if we should unfortunately be unsuccessful, one of us will come down to the Representative of the British Government for assistance, and, in the meantime, we agree to explain to His Highness the Deb Rajah that no money payment can be expected under the 4th Article of the Treaty.

We further agree that no money payment under the Treaty shall be due to the Bhootan Government in the event of Mr. Eden and Cheeboo Lama declaring that a second copy of the Treaty extorted from them was left by them in Bhootan, until such time as the said second copy shall be found and surrendered to the Representative of the British Government, and we fully understand and acknowledge that, until the two British guns are restored, no money payment under the Treaty will be due to the Bhootan Government.

Done this 10th day of November 1865, corresponding with 23-9th month, Bhootea year Sim Lung, or one day previous to the date fixed for the formal signature of the Treaty in public Durbar at Sinchula.

(Signed) SAMDOJEY DEB JIMPEY Seal

,, THAMSEYRENSEY DOWAI Seal

DESPATCH FROM THE SECRETARY OF STATE FOR INDIA.

POLITICAL.
No. 4.

INDIA OFFICE,
London, 1st February 1866.

To His Excellency the Right Honourable the Governor General of India in Council.

SIR,

PARA. 1. I have considered in Council the Despatches of your Excellency's Government, noted in the margin, relating to the negotiation and the execution of the treaty of peace recently concluded with the Bhootan Government. I now proceed to communicate to you the views of Her Majesty's Government respecting the important matters referred to in this correspondence.

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2. The long-continued aggressions of the Bhooteahs upon your frontier, by which not only much property had been carried off, but many subjects of the British Government, or of our allies, had been made prisoners and slaves, had induced Lord Canning to entertain the question of despatching an expedition into the Bhootan country, but his attention was diverted from it by the Mutiny in 1857.

3. On the restoration of tranquillity, the subject of this expedition was again brought under the consideration of the Government of India. The outrages, which had so long rendered insecure the property and the liberty of our people on the Bhootan frontier, still continued, and the necessity of some interference on the part of your Government was as urgent as before. In order, however, if possible, to obtain reparation for the past and security for the future, without resorting to hostile measures, it was determined to despatch a British Officer on a mission to the Bhootan Rajahs.

4. As on former occasions, British missions, which had been despatched to the Bhootan capital, had been well received, there was no reason to believe that the Officer deputed to proceed to Poonakha would be otherwise than courteously treated in the Bhootan country.

5. The Envoy selected for this duty was the Honourable Ashley Eden, who had before been employed in adjusting your relations with the Sikhim State, on which occasion he had perfectly succeeded, and had evinced, in difficult circumstances, ability and energy of a high order.

6. Mr. Eden had not, however, penetrated far into the country, when it became obvious that unanticipated difficulties would be thrown in his way. In my Despatch of 18th July 1864, No. 39, I had concurred in the opinion expressed by your Excellency, that it might have been better if Mr. Eden had abstained, in the face of these difficulties, from advancing further than Paro. In any circumstances, Her Majesty's Government could not severely condemn what could only be considered as an error in judgment on the part of a public officer, resulting from a determination to carry out the instructions committed to him, and to endeavour at any personal risk to avert the contingency of war. But it now appears, from the correspondence forwarded to me with your Foreign (General) Letter of 5th October (No. 39) 1865 (to which I have replied in a separate Despatch), that Mr. Eden was encouraged in the course which he pursued of advancing to Poonakha, by those under whose authority he was acting.

7. On his arrival at Poonakha, Mr. Eden was subjected to such gross insults and indignities at the hands of certain high officers of the Bhootan Government, that it became impossible for your Excellency to refrain from exacting reparation from a State that had so outraged the British Government in the person of its Envoy. Accordingly, a Military expedition was equipped for service in Bhootan in the cold season of 1864.

8. It is unnecessary in this Despatch to enter into the military operations of 1864-65. They were necessarily brought to a close by the rains of the latter year. No satisfactory results having been obtained, you proceeded to make preparations for the renewal of operations at the commencement of the ensuing cold season.

9. Before, however, any hostilities had taken place, overtures were made on the part of the Bhootan Rajahs, which showed that they were anxious to enter into negotiations for peace.

10. Colonel Bruce was therefore instructed to communicate to the Bhootan authorities the terms upon which your Government were prepared to enter into negotiations with them, and, pending such negotiations, to suspend hostilities.

11. The preliminary terms were to the effect that the Government of Bhootan must tender an ample apology for the insults offered to the British mission; that they must surrender the Treaty extorted from Mr. Eden at Poonakha, give up the British guns abandoned at Dewangiri, and liberate all the subjects of the British Government and of the Cooch Behar and Sikhim Rajahs detained against their will in Bhootan.

12. The Bhooteah authorities having agreed to these preliminaries, and the Treaty extorted from Mr. Eden having been actually surrendered, Colonel Bruce proceeded to negotiate the terms of the permanent arrangement of a new Treaty.

13. The Bhootan Government agreed to surrender all British subjects and all subjects of Cooch Behar and Sikhim detained in Bhootan against their will, and subscribed to articles for the mutual extradition of criminals, the maintenance of free trade between the two countries, and the arbitration by the British Government of all disputes between the Bhootan Government and the Chiefs of Cooch Behar and Sikhim.

14. They were further required to cede, in perpetual sovereignty, to the British Government the whole of the plain country known as the Dooars, not only those which had been for some time in British occupation, but also the Western Dooars adjacent to Bengal, which had not been so occupied before the commencement of hostilities (making in the aggregate eighteen) together with certain hill posts protecting the passes into Bhootan. The country thus ceded was estimated to yield an annual revenue of about a lakh and a half of rupees, or 15,000*l.* per annum.

15. In respect to the Dooars, which had for many years been occupied by the British Government, a certain annual payment from their revenues had always been made to Bhootan; and now that a much larger tract of country was to be made over in full sovereignty to the British Government, it was proposed to extend this system, and to increase the amount to be paid to the Bhooteahs from 25,000 rupees progressively, in three years, to 50,000 rupees, during the good conduct of the Bhooteah Government.

16. Her Majesty's Government have fully considered the reasons which have induced your Excellency to adopt this course.

17. Although the British Government had no desire to extend its frontiers by taking possession of the Dooars, it was necessary that you should mark your sense of the misconduct of the Bhooteah rulers in the most palpable and lasting manner; and still more was it necessary, for the due protection of the inhabitants of the British Provinces on the borders of Bhootan, and also of the people of Sikhim and Cooch Behar, that, after the experience of so many years of rapine, the Dooars should be occupied by the British Government. But it was not necessary, and I concur in opinion with your Excellency's Government that it was not desirable, to impoverish the Bhootan State, by absorbing the entire revenues of the country which you had determined to annex, and which yielded a large part of the public income of Bhootan. To have alienated from its former Government the whole of those revenues would have seriously weakened the power of the Bhootan authorities, and this might have led to a continuance of the anarchy within the territories of the Bhooteah Rajahs, and those continual maraudings and depredations across the frontiers, which have rendered necessary the intervention of your Government. The existence of a strong Government in the neighbouring States, and the prosperity of their subjects, are among the best securities for the permanent peace of our frontiers. To deprive the Government of a contiguous country of the means of enforcing its authority over its Chiefs and functionaries and of compelling them to execute the engagements which it has entered into for the maintenance of the peace and security of our frontier, can in no case be sound policy. In this view, it would not be advisable to impair the resources of the Bhootan State to the extent that must have resulted from the abstraction of the entire revenues of the Dooars.

18. Moreover, as the arrangement into which you have entered provides for the non-payment of the stipulated sums, in the event of any infraction of the terms of the Treaty or any acts hostile to the peace and security of the British frontier, you will hold in your hands a material guarantee of the most stringent kind for the good conduct of the Bhootan Government and for the due observance of the Treaty.

19. Her Majesty's Government are therefore of opinion that what your Excellency describes as your liberal treatment of the Bhooteahs, is equally sound as a measure of policy, and is more likely to conduce to the great objects of an enduring peace and the protection of the inhabitants of the frontier country than the infliction of any severer measure of punishment upon the existing rulers of Bhootan; and they fully approve of the course which you have adopted in treating with the Bhootan Government upon the basis described.

20. Your Despatch further states, that execution of the Treaty was to depend upon the actual delivery of the British guns, for which a separate engagement had been signed, a period of two months being allowed for their surrender. In the event of their not being given up within that time, military operations, in conjunction with the Deb and Dhurm Rajahs, were to be undertaken for the purpose of compelling the Toungso-Penlow to surrender them. Your Excellency, however, was of opinion that the Rajahs were thoroughly in earnest, and it was believed by your Officers in Bhootan that the guns would be given up without much further delay. It will afford Her Majesty's Government satisfaction to learn that this has been done, and that peace has been established between the two countries, with every prospect of its permanent continuance.

I have the honor to be,

SIR,

Your most obedient, humble Servant,

C. WOOD.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press*

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CALCUTTA, SATURDAY, MARCH 17, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 2nd March 1866, and is hereby promulgated for general information :—

Act No. VI of 1866.

An Act to continue Act No. XXXI of 1860 (relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases) and for other purposes.

Preamble.

Whereas Act No. XXXI of 1860 as continued by Act No. VI of 1865 will expire on the first day of October 1866; and whereas it is expedient to continue the said Act No. XXXI of 1860 with such modifications as are hereinafter mentioned; and whereas it is desirable to render the license mentioned in the 26th and other Sections of the same Act grantable upon conditions, and to enable the local Governments to exempt classes of persons, Districts and parts of Districts from the operation of Sections 25 and 26 of the same Act; It is enacted as follows :—

Repeal of Act No. VI of 1865 and of part of Section 55 of Act No. XXXI of 1860.

Rest of Act No. XXXI of 1860 continued.

1. Act No. VI of 1865 and the second Clause of Section 55 of Act No. XXXI of 1860 are hereby repealed; but the rest of the Act last hereinbefore mentioned shall, subject to the modifications hereinafter mentioned, continue in force from the passing of this Act until the Governor-General of India in Council shall by an order published in the Gazette of India declare otherwise.

Licenses to bear arms may be granted on conditions.

2. The license mentioned in Sections 26, 28, 29 and 30 of the said Act No. XXXI of 1860 may be granted by the Magistrate or other person specially authorized to grant the same, subject to such condition or conditions, if any, as such Magistrate or other person shall think fit; and on breach of any such condition, or failure to comply therewith, such license shall thereupon be null and void.

Amendment of Section 27 of Act No. XXXI of 1860.

3. For the last Clause of Section 27 of the same Act, the following words shall be substituted (that is to say), "Such other persons, classes of persons, Districts or parts of Districts as the Local Government may by notification in the Official Gazette from time to time exempt from such provisions."

Short Title.

4. This Act may be cited as "The Arms' Act Continuance Act, 1866."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 2nd March 1866, and is hereby promulgated for general information :—

Act No. VII of 1866.

An Act to extend to the Court of Judicature of Prince of Wales' Island, Singapore and Malacca Act No. XXIII of 1840 (for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by Authorities in the Mofussil.)

Preamble.

Whereas it is expedient to extend to the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, the provisions of Act No. XXIII of

1840 (for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by Authorities in the Mofussil); It is enacted as follows:—

Extension of Act.

1. The said Act No. XXIII of 1840 shall be read as if the words "Supreme Courts of Calcutta, Madras and Bombay" included the Court of Judicature of Prince of Wales' Island, Singapore and Malacca: Provided that no writ, warrant or other process shall be endorsed under the said Act by such Court so as to compel the attendance beyond the limits of its jurisdiction of any person living within such limits, unless special grounds be proved to the satisfaction of the Judge of such Court to whom such endorsement shall be applied for in support of the application, which grounds shall be recorded in the endorsement of the writ, warrant or other process.

Proviso.

Service of process issued by one Court to commence a suit or action within the local jurisdiction of another Court.

2. Any summons or other process issued to commence a suit by any High Court, may be served within the local jurisdiction of the said Court of Judicature of Prince of Wales' Island, Singapore and Malacca if endorsed for service by a Judge of such Court of Judicature as hereinafter provided, and any summons or other process issued to commence a suit or action by the same Court of Judicature may be served within the local jurisdiction of any High Court, if endorsed for service by a Judge of such High Court as hereinafter provided. The summons or other process intended for service shall be accompanied by a certificate annexed thereto, signed by a Judge of the Court from which the same is issued, stating some special cause why such summons or other process should be served within the jurisdiction of the High Court or Court of Judicature, as the case may be, and application shall be made to a Judge of such Court, on production of such summons or other process, and of such certificate, prior to such service thereof. On such application being made, it shall be in the discretion of such Judge to require proof by affidavit or otherwise that it is proper to allow such service, and on hearing such proof such Judge shall either endorse the summons or other process for service, or shall endorse thereon the reason for not ordering the service thereof. If such summons or other process be not endorsed for service as aforesaid it shall not be served under this Act. When endorsed for service it shall be served in the same manner as if it had originally issued out of the Court in which such endorsement is made.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 2nd March 1866, and is hereby promulgated for general information:—

ACT No. VIII OF 1866.

An Act further to amend the Schedule annexed to the Code of Criminal Procedure.

Preamble.

Whereas it is expedient further to amend the Schedule annexed to the Code of Criminal Procedure; It is enacted as follows:—

Amendment of Schedule as regards Sections 172, 174, 271, 277, 278, 279, 285, 286, 289, 290, 325, 380, 448 and 451 of the Indian Penal Code.

1. In lieu of the words in the parts of column 7 of the said Schedule respectively referring to Sections 172, 174, 271, 277, 278, 279, 285, 286, 289, 290, 325, 380, 448 and 451 of the Indian Penal Code, there shall be read the words "Any Magistrate."

Amendment of Schedule as regards Sections 392 and 393 of the Indian Penal Code.

2. In lieu of the words in the parts of the said column respectively referring to Sections 392 and 393 of the Indian Penal Code, there shall be read the words "Court of Session or Magistrate of the District."

Nothing in this Act to alter effect of the rest of the Schedule.

3. Nothing herein contained shall be taken to alter the effect which any other part of the said Schedule had immediately before the passing of this Act.

This Act to be read with the Code of Criminal Procedure.

4. This Act shall be read with and taken as part of the Code of Criminal Procedure.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 9th March 1866, and is hereby promulgated for general information :—

ACT No. IX OF 1866.

An Act to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865" and of Act No. XXIX of 1865.

Preamble.

Whereas it is expedient to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865" and of Act No. XXIX of 1865; It is enacted as follows :—

Power to Sudder Court, N. W. P., to make rules as to Pleaders and Mookhtars of such Court.

1. Notwithstanding any thing contained in "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," the said Sudder Court shall have power to make rules for the qualification, admission and enrolment of proper persons to be Pleaders and Mookhtars of such Court, for the fees to be paid for the examination, admission and enrolment of such persons, and, subject to the provisions contained in the same Act, for the suspension and dismissal of the Pleaders so admitted and enrolled. The said Court may also from time to time vary and add to such rules.

Certain provisions contained in Act No. XX of 1865 and in Act No. XXIX of 1865 to apply to Pleaders and Mookhtars practising in such Court.

2. The provisions contained in Sections 5 to 12 (both inclusive), 14, 15, 18, 37, 39 and 41 of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and in Sections 1 and 2 of Act No. XXIX of 1865, shall, *mutatis mutandis*, apply to Pleaders and Mookhtars practising in the said Sudder Court.

This Act to be read with Act No. XX of 1865.

3. This Act shall be read with and taken as part of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865."

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 2nd March 1866, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight :—

No. 5 OF 1866.

A Bill to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province.

Preamble.

Whereas it is expedient to exempt certain suits in Oude relating to land from the operation of the rules of limitation in force in that Province; It is enacted as follows :—

Bar of certain suits relating to tenures.

1. No suit relating to any tenure and which shall be cognizable in the Civil Courts, or which, under the provisions of Act No. XVI of 1865 *(to remove doubts as to the jurisdiction of the Revenue Courts in the Province of Oude in suits relating to land, and to enlarge the period of limitation in such suits)* shall be solely cognizable in the Courts of Revenue, shall be barred under the said rules of limitation, if the cause of suit shall have arisen on or after the 13th day of February 1844. And any suit or appeal relating to any tenure and cognizable as aforesaid, which may have been rejected or dismissed upon the ground that the suit was barred under the said rules, may be revived and heard on the merits, if the cause of suit shall have arisen on or after such day.

Bar of redemption-suits when mortgage executed before 13th February 1844.

2. When a mortgagee shall, under or by virtue of a mortgage executed before the said day, have obtained possession of any land comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring a suit to redeem the mortgage of such land, any subsequent acknowledgment of the title or right to redeem of the mortgagor, or of any person claiming through him, notwithstanding. Provided that any suit for the redemption of land, which may have been rejected or dismissed upon the ground that the suit was barred under some rule of limitation in force, or supposed to be in force, in the said Province, may be revived and heard as aforesaid, if the mortgage shall have been executed on or after the said day.

Certain redemption-suits may be revived when the mortgage was executed on or after 13th February 1844.

This Act not to bar redemption-suits where term for redemption had not expired before 13th February 1856.

3. Nothing herein contained shall be taken to bar a suit for redemption in any case where, by the instrument of mortgage, a term was fixed within which the property comprised therein might be redeemed, and such term had not expired before the 13th day of February 1856.

This Act to be read with Act No. XVI of 1865.

4. This Act shall be read with and taken as part of the said Act No. XVI of 1865.

STATEMENT OF OBJECTS AND REASONS.

This Bill has two objects in view :—*First.*—To extend the period of limitation in suits for land in the Revenue Courts; and *second.*—To restrict the period of limitation within which suits can be brought for redemption of mortgages.

The Law of Limitation in Oudh is, for the Revenue Courts, the old Regulation law in force prior to the enactment of Act XIV of 1859.

By this law, in ordinary claims for land, a limitation of twelve years was allowed. Under certain circumstances of force or fraud a suit might be brought within sixty years: and in case of mortgage, there was no limit to suits against the mortgagee (Regulation II. 1805).

But the circumstances of Oudh are exceptional. Possession has been interfered with both by summary settlements under our own rule, and by violence in 1857-58; and the trial of claims has generally been postponed till the regular settlement, which has not yet reached some parts of the Province.

The test for trial of titles to land (apart from titles guaranteed by *sunnud*) has, under these circumstances, been held to be the status existing previous to annexation; and, in order to the determination of that status, it is right that the limitation should be extended for a reasonable period. Following the analogy of the existing law, twelve years has been regarded as fair for the purpose.

In respect of claims against the great landlords holding under *sunnud* from Government, this period was fixed last year by Act XVI of 1865, which provided that no suit relating to a sub-tenure should be barred, if the cause of action arose on or after the 13th February, 1844, that is twelve years preceding annexation of the province.

The object of Sections 1 and 2 is simply to make the same rule applicable to suits for land not relating to sub-tenures. No suit for land will be barred simply because the cause of action arose twelve years from date of suit, if such cause of action were subsequent to 13th February, 1844. Thus the effect of the Bill, in respect of ordinary suits, is to extend the present law of limitation.

But in respect of claims for redemption of mortgage, the action of the Bill will be to restrict the limitation.

As the law now stands, suits might be brought for redemption without any limitation whatever. But, looking to the disorder and anarchy which prevailed in Oudh, it is the opinion of the Chief Commissioner that such a rule is altogether inapplicable. And it has been accordingly limited by Circular Orders to twelve years, although these orders are now found to want the force of law.

It is therefore proposed to apply the same rule to suits for redemption of mortgage as is applicable to ordinary claims; the effect being that suits for redemption will not be permitted if the mortgage were executed prior to the 13th February, 1844, any subsequent acknowledgment of the right of redemption notwithstanding. Where a term had been fixed in the mortgage-bond for redemption, and such term had not expired before the annexation of the Province, a suit will lie for redemption, whatever the date on which the mortgage was executed.

The great majority of the talookdars have waived any objections which they might have had under the terms of their *sunnuds* to this procedure.

W. MUIR.

The 1st February, 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th March 1866, and was referred to a Select Committee with instructions to make their report thereon in a fortnight :—

No. 7 OF 1866.

A Bill to provide for the Establishment of a Public Museum at Calcutta.

Preamble.

Whereas it is expedient to provide for the establishment of a Public Museum at Calcutta, to be called the Indian Museum; It is enacted as follows :—

Building to be erected for Indian Museum.

1. The Governor General of India in Council shall cause to be erected at the expense of the Government of India, a suitable building in Calcutta on or near the site now occupied by the Small Cause Court, to be devoted in part to collections illustrative of Indian archæology and of the several branches of Natural History, in part to the preservation and exhibition of other objects of interest, whether historical, physical, or economical, in part to the records and offices of the Geological Survey of India, and in part to the fit accommodation of the Asiatic Society of Bengal and to the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings and other property.

Building to be erected according to plans approved by the Secretary to the Department of Public Works and the Council of the Asiatic Society.

2. The said building shall be constructed according to such plans and specifications as shall have been approved of and agreed upon by and between the Secretary to the Government of India in the Public Works Department for the time being and the Council of the said Society; and in case the said Secretary and Council shall be unable to agree with reference to any such plans or specifications, the point or points on which they shall so disagree shall be referred to the final decision of the Governor General of India in Council. Such building shall be completed, so far as to be in a condition to receive the collections mentioned in the eleventh Section of this Act, within five years from the date of the passing of this Act; and the building shall be kept in repair, and the salaries, allowances and pensions of the Officers and servants

and all other expenses connected with the said Indian Museum shall be paid and defrayed, at the expense of the Government of India.

Trustees of the Indian Museum incorporated.

3. The Chief Justice of the High Court of Judicature at Fort William in Bengal,

the Bishop of Calcutta,

the Vice-Chancellor of the University of Calcutta,

the Secretary to the Government of India in the Home Department,

four other persons to be nominated by the Governor General of India in Council,

the President of the Asiatic Society of Bengal and three other Members of the said Society for the time being, to be nominated by the Council of the said Society,

and their successors, appointed as hereinafter directed and subject to the provisions hereinafter contained, shall be and are hereby constituted a Body Corporate by the name of the "Trustees of the Indian Museum," and shall have a common seal, and by such name shall have perpetual succession; and all the powers of the said Corporation may be exercised so long and so often as there shall exist five Members thereof.

Trustees empowered to receive bequests, donations and subscriptions.

4. It shall be lawful for the said Body Corporate to receive bequests, donations and subscriptions of land, buildings, money, and any such objects of interest as aforesaid, and to hold the same and to lay out such money for the purposes of the said Indian Museum in the improvement and enlargement of the collections vested in, presented to or purchased for the said Museum, or deposited therein; and the said Body Corporate shall have the exclusive possession, occupation and control for the purposes of their Trusts herein mentioned of the said building other than those portions thereof which upon its completion shall be set apart by the said Body Corporate for the accommodation of the said Society, and the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings, and other property.

Ex-officio Members.

5. The persons for the time being holding the offices respectively mentioned in Section 3 of this Act shall be ex-officio Members of the said Body Corporate, and shall cease to be such Members respectively upon ceasing to hold the said offices respectively.

Provision for case of two offices being held by one person.

In the event of any two of the said offices being held by the same person, it shall be lawful for the Governor-General of India in Council from time to time to nominate such other person as to him may seem fit, to be a Trustee under this Act so long as the said two offices shall be held by one person. Provided that when and so often as the said Chief Justice, Bishop, Vice-Chancellor or Secretary to the Government of India in the Home Department shall also be the President of the said Society, the Council of the Society may nominate any other person being a Member of the Society to be a Trustee under this Act so long as such Presidency shall be held by the said Chief Justice, Bishop, Vice-Chancellor or Secretary.

Power to appoint new Trustees.

6. If any of the said Trustees to be nominated by the Governor-General of India in Council or by the Council of the said Society, or any Trustee appointed as herein provided, shall die or be absent from India for a period exceeding twelve months, or desire to be discharged, or refuse or become incapable to act, then and in every such case it shall be lawful for the Governor-General of India in Council or the Council of the said Society, as the case may be, to appoint a new Trustee in the place of the Trustee so dying or being absent from India or desiring to be discharged or refusing or becoming incapable to act as aforesaid, and every Trustee so appointed shall thereupon become and be a Member of the said Body Corporate as fully and effectually as if he had been hereby constituted a Trustee.

Quorum.

7. At all meetings of the said Body Corporate five shall be a quorum for the transaction of business.

Power to Trustees to make, alter and repeal bye-laws and to appoint officers and servants.

8. It shall be lawful for the said Body Corporate from time to time to make, alter and repeal bye-laws consistent with this Act for the management of the said Museum, for the summoning, holding and adjournment of general and special meetings of Members of the Body Corporate, for securing the attendance of the Members at such meetings, for the provision and keeping of minute-books and account-books, for the compiling of catalogues and for all other purposes necessary for the execution of their Trusts. And (subject to the provision contained in the fifteenth Section of this Act) all officers and servants, salaried or otherwise, employed in the care or management of the Trust property shall be appointed, and may be removed or suspended by the said Body Corporate, subject to such regulations and conditions as such Body Corporate shall think proper.

Trustees may exchange or sell duplicates.

9. It shall be lawful for the Trustees from time to time, to order any duplicates of printed books, medals, coins, specimens of Natural History, or other curiosities to be exchanged for manuscripts, books, or other objects of interest, or to direct any such duplicates to be sold and the money to arise from such sale to be laid out in the purchase of manuscripts, books, maps, medals, coins, specimens of Natural History, or other curiosities that may be proper for the said Museum. But nothing herein contained shall be taken to authorise the exchange or sale of any of the articles mentioned in the fourteenth Section of this Act.

Trustees shall furnish annual reports and accounts.

10. The said Trustees shall furnish to the Government of India, on or before the first day of December in each year, a report of their several proceedings, acts, and ordinances for the past twelve months, and further shall furnish on or before the same day in each year to such Auditor as the Governor General of India in Council shall appoint in this behalf accounts of all monies expended by the Trustees during the past twelve months supported by the necessary vouchers. The said report and accounts shall be annually published for general information

Asiatic Society to remove their collections to the new building.

11 The Council of the said Society shall cause the collections belonging to the Society and illustrative of Indian archæology and the several branches of Natural History and all additions that may be made thereto to be removed to the said building, at the expense of the Government of India, as soon as the same shall be completed so far as aforesaid; and such collections shall thereupon, subject to the provisions contained in this Act, become the property of the said Trustees.

Council of the Asiatic Society to retain their exclusive control over the Library and to have exclusive possession of the portions of the new building to be set apart for the Society.

12. The Council of the said Society shall continue to have the same exclusive control over their said Library, Manuscripts, Maps, Coins, Busts, Pictures and Engravings, which they at present possess, and shall have the exclusive possession, occupation and control, for the purposes of the said Society, of those portions of the said building which shall, upon its completion, be set apart, as hereinbefore is mentioned.

Asiatic Society to have power to dispose of their present house.

13. It shall be lawful for the said Society at any time after their said collections shall have been removed to and deposited within the said building so to be erected as aforesaid, to sell, exchange or lease the house, garden, and appurtenances now vested in them, as if this Act had not been passed.

Collections of Asiatic Society to be kept distinguished in the Museum.

14. Every article in the said collections of the said Society shall be marked and numbered and shall be kept and preserved in the said Indian Museum with such marks and numbers, and an inventory of such articles shall be made by the said Society and, on such articles being deposited as aforesaid, one copy of such inventory shall be signed by the said Trustees, and kept by the said Society, and another copy shall be signed by the Council of the said Society, and kept by the said Trustees. And the said Trustees shall see that all such articles are adequately insured against loss or damage by fire (so far as the same are capable of being so insured) and properly preserved at the expense of the Government of India.

Custody of the collections of the Asiatic Society until completion of the new building.

15. Until the said building shall be completed so far as aforesaid, the said collections of the said Society, and all additions thereto, shall remain in the house in which they are at present, but under the care of such persons as by the said Chief Justice, the Vice-Chancellor of the University, and the President of the said Society shall be approved and nominated in this behalf, with such salaries and allowances as, subject to the approval of the Government of India, the Trustees shall limit and direct; and the said collections shall be open to all persons desirous to view the same, under such rules as by the said Trustees shall be established, and the said salaries and allowances shall be paid by the Government of India.

In case of determination of Trust, Asiatic Society may reclaim their collections.

16. In the event of the Trust hereby constituted being determined, all collections then in the said Indian Museum which shall have become the property of the said Trustees under the eleventh Section of this Act shall again become the property of the said Society or their assigns, and the said Society shall vacate the portions of the said building which shall have been set apart as hereinbefore is mentioned and such portions shall then become the property of the Government of India, anything in this Act contained to the contrary notwithstanding.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to provide for the establishment of a Public Museum at Calcutta, to be called "the Indian Museum;" and the Bill originates in an agreement between the Government of India and the Asiatic Society of Bengal.

By this agreement the Government undertakes to erect a suitable building, to be devoted in part to collections illustrative of Indian Archæology and of the several branches of Natural History, in part to the preservation and exhibition of other objects of interest, in part to the records and offices of the Geological Survey of India, and in part to the exclusive accommodation of the Asiatic Society, and the reception of their library, manuscripts, coins, &c. The Government will also defray the expenses of the establishment of the Indian Museum. The Society, on the other hand, consent to surrender to the Trustees of the Museum their collections illustrative of Archæology and Natural History, provided that if the trust determine, these collections shall revert to the Society.

Besides the clauses necessary to carry out this agreement, the Bill provides for the incorporation of a body of twelve Trustees and their successors; gives power to appoint new Trustees; declares the quorum of the Body Corporate; enables them to make bye-laws, to appoint officers and servants, and to exchange or sell duplicates; and requires them to furnish annual reports and accounts.

H. S. MAINE.

The 3rd March 1866.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th March 1866, and was referred to a Select Committee with instructions to make their report thereon in a fortnight :—

No. 8 OF 1866.

A Bill to empower the Committees appointed under the Seventh Section of Act No XX of 1863 to raise the costs and expenses incurred in the performance of their duties, and for other purposes.

Preamble.

Whereas it is expedient to empower the Committees appointed under the seventh Section of Act No XX of 1863, *(to enable the Government to divest itself of the management of Religious Endowments)* to raise the costs and expenses incurred in the performance of the duties imposed upon them by the said Act; and whereas it is necessary to provide for the appointment of new Members of such Committees in the place of any such Members desiring to be discharged; It is enacted as follows :—

Power to raise costs of management.

1. It shall be lawful for every such Committee from time to time to pay or cause to be paid out of the income, or to raise or cause to be raised out of the capital, of the property of any religious establishment under their superintendence or management, such sums of money as shall be required to defray the costs and expenses incurred from time to time in relation to or concerning such superintendence or management. Every Trustee, Manager, Superintendent and other person in whom all or any part of such property may be vested shall be bound to make such payments out of the said income, and to execute such conveyances of the said capital as may be necessary to effect the purposes of this Act; and, in default of compliance with any of the provisions of this Section, he shall be liable to a fine of one hundred rupees.

Purchasers and mortgagees not bound to enquire into necessity of sale or mortgage under this Act.

2. No person taking under any sale, mortgage or other disposition purporting to be made under the powers conferred by this Act, shall be bound to enquire into the necessity or expediency thereof, or to see that no more than is required is raised.

Enactment of new Section in lieu of Section 9 of Act XX of 1863.

3. Section 9 of the said Act is hereby repealed, and in lieu thereof the following shall be substituted :—

"Every member of a Committee appointed as aforesaid shall hold his office for life, unless he be absent from India or desire to be discharged, or refuse or become incapable to act, or unless he shall be removed as hereinafter provided; and in every such case a vacancy, within the meaning of the tenth Section of this Act, shall be considered to have occurred."

This Act to be read with Act No. XX of 1863.

4. This Act shall be read with and taken as part of the said Act No. XX of 1863.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, which has been prepared at the request of the Madras Government, is to supply two defects in Act XX of 1863.

The Committees appointed in pursuance of that Act are not empowered to raise out of the property belonging to the religious establishments under their superintendence the expenses necessarily incurred in the performance of the duties imposed upon them by Section 13, although, under Section 14, they are liable to be sued for neglect of those duties. Little difficulty would of course arise if that property were always vested in the Committees; but occasionally in Bengal and universally in Madras, it is now in the hands of the Trustees or Managers of the several Mosques and Temples superintended by the Committees.

Act No. XX of 1863, moreover, makes no provision for the appointment of a new Committee-man in the place of any member of a Committee wishing to resign.

The present Bill empowers Committees to raise the amount required by sale or mortgage of the funds in their hands or in the possession of religious establishments subject to their superintendence, compels the Trustees and Managers of those establishments, if necessary, to join in the disposition, and relieves purchasers and mortgagees from the necessity of enquiring into the propriety of the transaction. It further authorizes the appointment of a new Committee-man, not only in the case above mentioned, but also in that of a member leaving India.

H. S. MAINE.

The 27th February 1866.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th March 1866, and was referred to a Select Committee with instructions to make their report thereon in a fortnight :—

No. 9 OF 1866.

A Bill to relieve the Governor-General of India in Council from the duty of signing the Commissions mentioned in Sections 22 and 44 of the High Courts' Criminal Procedure Amendment Act, 1865.

Preamble.

Whereas it is expedient to relieve the Governor-General of India in Council from the duty of signing the Commissions respectively mentioned in Sections 22 and 44 of "The High Courts' Criminal Pro-

cedure Amendment Act, 1865"; It is enacted as follows:—

Seal to be made.

1. A seal shall be made at the expense of the Government of India with this inscription, "The seal of the Governor-General of India in Council," and shall be kept in the custody of such person as the Governor-General of India in Council shall from time to time appoint in that behalf, and the Commissions respectively mentioned in Sections 22 and 44 of "The High Courts' Criminal Procedure Amendment Act, 1865," may be stamped with such seal by such person as the Governor-General of India in Council shall from time to time appoint in that behalf; and when so stamped shall be equally valid and effectual as if they had been signed by the Governor-General of India and the Members of his Council.

Stamping of Commissions under Act No. XIII of 1865, Sections 22 and 44.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to relieve the Governor-General and the Members of his Council from the duty of signing the Judges' Commissions mentioned in Sections 22 and 44 of the High Courts' Criminal Procedure Amendment Act, 1865. In the absence of such provision much inconvenience might be caused, for it is impossible to say when the necessity for issuing such Commissions may arise, and the Council might then be absent from the Presidency.

The Bill provides that a proper seal shall be made, that it shall be kept and used by such persons as the Governor-General in Council shall appoint, and that the Commissions stamped with it shall be as effectual as if they had been signed by the Governor-General and the Members of his Council.

H. S. MAINE.

The 6th March 1866.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept., (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 12th March 1866, and is hereby promulgated for general information:—

THE INDIAN COMPANIES' ACT, 1866.

ARRANGEMENT OF SECTIONS.

PRELIMINARY.

Section.
1. Short title.
2. Commencement of Act.
3. Interpretation Clause.
4. Prohibition of partnerships exceeding certain number.
5. Division of Act.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

Section.
6. Mode of forming Company.
7. Mode of limiting liability of Members.
8. Memorandum of association of a Company limited by shares.
9. Memorandum of association of a Company limited by guarantee.
10. Memorandum of association of an unlimited Company.
11. Stamp, signature and effect of memorandum of association.
12. Power of certain Companies to alter memorandum of association.
13. Power of Companies to change name.

Articles of Association.

14. Regulations to be prescribed by Articles of Association.
15. Application of Table A
16. Stamp, signature and effect of Articles of Association.

General Provisions.

17. Registration of memorandum of association and Articles of Association with fees as in Table B.
18. Effect of registration.
19. Copies of memorandum and Articles to be given to members.
20. Prohibition against identity of names in Companies.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Distribution of Capital.

21. Nature of interest in Company.
22. Definition of "Member."
23. Transfer by personal representative.
24. Register of Members.
25. Annual list of members.
26. Penalty on Company, &c., not keeping a proper register.
27. Company to give notice of consolidation or of conversion of capital into stock.
28. Effect of conversion of shares into stock.
29. Entry of trusts on register.
30. Certificate of shares or stock.
31. Inspection of register.
32. Power to close register.
33. Notice of increase of capital and of members to be given to Registrar.
34. Remedy for improper entry or omission of entry in register.
35. Notice to Registrar of rectification of register.
36. Register to be evidence.

Liability of Members.

37. Liability of present and past members of Company.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

38. Registered Office of Company.
39. Notice of situation of registered Office.
40. Publication of name by a limited Company.
41. Penalties on non-publication of name.
42. Contracts how made.
43. Register of mortgages.
44. Certain Companies to publish statement entered in Schedule.
45. List of Directors to be sent to Registrar.
46. Penalty on Company not keeping Register of Directors.
47. Promissory Notes, Bills of Exchange, and Húndís.
48. Prohibition against carrying on business with less than seven members.

Section.

Provisions for Protection of Members.

49. General Meeting of Company. Balance-sheet. Audit.
50. Power to alter regulations by Special Resolution.
51. Definition of Special Resolution.
52. Provision where no regulations as to meetings.
53. Registry of Special Resolutions.
54. Copies of Special Resolutions.
55. Execution of deeds abroad.
56. Examination of affairs of Company by Inspectors.
57. Application for inspection to be supported by evidence.
58. Inspection of books.
59. Result of examination how dealt with.
60. Power of Company to appoint Inspectors.
61. Report of Inspectors to be evidence.

Notices.

62. Service of notices on Company.
63. Rules as to notices by letter.
64. Authentication of notices by Company.

Legal Proceedings.

65. Evidence of proceedings at meetings.
66. Provision as to costs in suits brought by certain limited Companies.
67. Plaint in suits against members.

Alteration of Forms.

68. Governor-General in Council may alter Forms in Schedule.

Arbitrations.

69. Power for Companies to refer matters to arbitration.
70. Power to alter or revoke agreements for reference.
71. Agreements to be carried into effect.
72. Reference to Arbitrator.
73. Reference to two or more Arbitrators.
74. Appointment of Arbitrators by Companies.
75. Appointment of Arbitrators by Local Government.
76. Appointment of Arbitrators by Companies to supply vacancies.
77. Appointment of Arbitrators by Local Government to supply vacancies.
78. Appointment of Arbitrator not revocable.
79. Appointment of Umpire by Arbitrators.
80. Appointment of Umpire by Local Government.
81. Appointment of Umpire by Arbitrators to supply vacancy.
82. Appointment of Umpire by Local Government to supply vacancy.
83. Succeeding Arbitrators and Umpires to have powers of predecessors.
84. Reference to Umpire.
85. Power for Arbitrators, &c., to call for books, &c., and administer oath.
86. Procedure in the arbitration.
87. Arbitration may proceed in absence of Companies.
88. Several awards may be made.
89. Awards made in due time to bind all parties.
90. Power for Umpire to extend period for making his award.
91. Awards not to be set aside for informality.
92. Awards to be obeyed.
93. Agreements, arbitrations, and awards to have effect.
94. Costs of arbitration and award.
95. Payment of costs.
96. Submission to arbitration to be filed in Court.

PART IV.

WINDING UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

97. Meaning of contributory.
98. Nature of liability of contributory.

Section.

99. Contributories in case of death.
100. Contributories in case of insolvency.

Winding up by Court.

101. Circumstances under which Company may be wound up by Court.
102. Company when deemed unable to pay its debts.
103. Definition of "the Court."
104. Application for winding-up to be made by petition.
105. Commencement of winding-up by Court.
106. Court may grant injunction.
107. Course to be pursued by Court on hearing application.
108. Suits to be stayed after order for winding-up.
109. Copy of order to be forwarded to Registrar
110. Power of Court to stay proceedings.
111. Effect of order on share-capital of Company limited by guarantee.
112. Court may have regard to wishes of creditors or contributories.

Official Liquidators.

113. Appointment of Official Liquidator.
114. Resignations, removals, filling up vacancies, and compensation.
115. Style and duties of Official Liquidator.
116. Powers of Official Liquidator.
117. Discretion of Official Liquidator.
118. Appointment of Attorney or Vakeel to Official Liquidator.

Ordinary Powers of Court.

119. Collection and application of assets.
120. Provision as to representative contributories.
121. Power of Court to require delivery of property.
122. Power of Court to order payment of debts by contributory.
123. Power of Court to make calls.
124. Power of Court to order payment into Bank.
125. Regulation of account with Court.
126. Provision in case of representative contributory not paying monies ordered.
127. Order conclusive evidence.
128. Court may exclude creditors not proving within certain time.
129. Court to adjust rights of contributories.
130. Court to order costs.
131. Dissolution of Company.
132. Registrar to make Minute of dissolution of Company.
133. Penalty on not reporting dissolution of Company.

Extraordinary Powers of Court.

134. Power of Court to summon persons before it suspected of having property of Company.
135. Examination of parties by Court.
136. Power to arrest contributory about to abscond or to remove or conceal any of his property.
137. Powers of Court cumulative.

Enforcement of and Appeal from Orders.

138. Power to enforce orders.
139. Order made in any Court to be enforced by other Courts.
140. Mode of dealing with orders to be enforced by other Courts.
141. Appeals from orders.
142. Judicial notice to be taken of signature of Officers.
143. Special Commissioners for receiving evidence.
144. Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

Voluntary winding-up of Company.

145. Circumstances under which Company may be wound up voluntarily.
146. Commencement of voluntary winding-up

Section.

147. Effect of voluntary winding-up on status of Company.
148. Notice of resolution to wind up voluntarily.
149. Consequences of voluntary winding-up.
150. Effect of winding-up on share-capital of Company limited by guarantee.
151. Power of Company to delegate authority to appoint Liquidators.
152. Arrangement when binding on creditors.
153. Power of creditor or contributory to appeal.
154. Power for Liquidators or contributories in voluntary winding-up to apply to Court.
155. Power of Liquidators to call General Meeting.
156. Power to fill up vacancy in office of Liquidators.
157. Power of Court to appoint Liquidators.
158. Liquidators on conclusion of winding-up to make up an account.
159. Liquidators to report meeting to Registrar.
160. Costs of voluntary liquidation.
161. Saving of rights of creditors.
162. Power of Court to adopt proceedings of voluntary winding-up.

Winding-up subject to the Supervision of the Court.

163. Power of Court, on application, to direct winding-up subject to supervision.
164. Petition for winding-up subject to supervision.
165. Court may have regard to wishes of creditors.
166. Power to Court to appoint additional Liquidators in winding-up subject to supervision.
167. Effect of order of Court for winding-up subject to supervision.
168. Appointment in certain cases of voluntary Liquidators to office of Official Liquidators.

Supplemental Provisions.

169. Dispositions after the commencement of the winding-up avoided.
170. The books of the Company to be evidence.
171. As to disposal of books, accounts, and documents of the Company.
172. Inspection of books.
173. General scheme of liquidation may be sanctioned.
174. Power to compromise.
175. Power for Liquidators to accept shares, &c., as a consideration for sale of property of Company.
176. Mode of determining price.
177. Appointment of Arbitrator when questions are to be determined by arbitration.
178. Vacancy of Arbitrator to be supplied.
179. Appointment of Umpire.
180. Power of Arbitrators to call for books, &c.
181. Costs to be in the discretion of the Arbitrators.
182. Submission to arbitration may be filed in Court.
183. Certain attachments, distresses and executions to be void.
184. Fraudulent preference.
185. Power of Court to assess damages against delinquent Directors and Officers.
186. Penalty on falsification of books.
187. Prosecution of delinquent Directors in the case of winding-up by Court.
188. Penalty of false evidence.

Power of High Court to make Rules.

189. Power of High Court to make rules.

PART V.

REGISTRATION OFFICE.

190. Constitution of Registration Office.

PART VI.

APPLICATION OF ACT TO COMPANIES REGISTERED UNDER THE JOINT STOCK COMPANIES' ACTS.

191. Application of Act to Companies formed under Act XIX of 1857 or VII of 1860.

Section.

192. Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.
193. Mode of transferring shares.

PART VII.

COMPANIES AUTHORIZED TO REGISTER UNDER THIS ACT.

194. Companies capable of being registered.
195. Regulations as to registration of existing Companies.
196. Definition of Joint Stock Company.
197. Requisitions for registration by Companies.
198. Requisitions for registration by existing Company not being a Joint Stock Company.
199. Power for existing Company to register amount of stock instead of shares.
200. Authentication of statements of existing Companies.
201. Registrar may require evidence as to nature of Company.
202. On registration of Banking Company with limited liability, notice to be given to customers.
203. Exemption of certain Companies from payment of fees.
204. Company to change name.
205. Certificate of registration of existing Companies.
206. Certificate to be evidence of compliance with Act.
207. Transfer of property to Company.
208. Registration under this Act not to affect obligations incurred previously to registration.
209. Continuation of existing suits.
210. Effect of registration under Act.
211. Powers of Court to restrain further proceedings.
212. Order for winding up Company.

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APPLICATION OF ACT TO UNREGISTERED COMPANIES.

213. Winding-up of unregistered Companies.
214. Who to be deemed a contributory in the event of Company being wound up.
215. Power of Court to restrain further proceedings.
216. Effect of order for winding up Company.
217. Provision in case of unregistered Company.
218. Provisions in this Part of Act cumulative.

PART IX.

REPEAL OF ACTS AND MISCELLANEOUS PROVISIONS.

219. Repeal of Acts.
220. Saving Clause as to repeal.
221. Saving of existing proceedings for winding up.
222. Saving of Conveyance Deeds.
223. Compulsory registration of certain Companies.
224. Penalty on Company not registering.
225. Cognizance of offences under this Act.
226. Punishment of offences under this Act, committed within local limits of High Court.
227. Levy of fines by distress.
228. Procedure until return is made to distress warrant.
229. Imprisonment if no sufficient distress.
230. Construction of "Registrar of Joint Stock Companies" in Act XXI of 1860.
231. Act not to apply to Banks of Bengal, Madras or Bombay.

ACT No. X OF 1866.

An Act for the incorporation, regulation, and winding-up of Trading Companies and other Associations.

Preamble.

Whereas it is expedient that the laws relating to the incorporation, regulation, and winding-up of Trading Companies and other associations should be consolidated and amended; It is enacted as follows:—

Preliminary.

Short Title.

1. This Act may be cited for all purposes as "The Indian Companies' Act, 1866."

Commencement of Act.

2. This Act shall come into operation on the first day of May 1866, and the time at which it so comes into operation is hereinafter referred to as the commencement of this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context:—

"British India." "British India" means the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., Cap. 106, entitled "An Act for the better Government of India:"

"Year." "Month." "Year" and "month" respectively denote a year and month reckoned according to the British calendar:

"Insurance Company." An "Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses:

"Court." "Court" means the principal Civil Court of original jurisdiction in a District, and includes the High Court in the exercise of its ordinary original Civil jurisdiction:

"District Court." "District Court" means the principal Civil Court of original jurisdiction in a District, but does not include the High Court in the exercise of its ordinary original Civil jurisdiction;

"Local Government." "High Court." And, in any part of British India in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such part and includes a Chief Commissioner; and "High Court" denotes the highest Civil Court of appeal therein.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than ten persons shall be formed, after the commencement of this Act, for the purpose of carrying on the business of banking, unless it is registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor-General of India in Council, or by Royal Charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed, after the commencement of this Act, for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

Division of Act.

5. This Act is divided into nine Parts, relating to the following subject-matters:—

The first Part—to the constitution and incorporation of Companies and Associations under this Act:

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act:

The third Part—to the management and administration of Companies and Associations under this Act:

The fourth Part—to the winding-up of Companies and Associations under this Act:

The fifth Part—to the Registration Office:

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 *(for the incorporation and regulation of Joint Stock Companies and other associations either with or without limited liability of the members thereof)* and Act No. VII of 1860 *(to enable Joint Stock Banking Companies to be formed on the principle of limited liability)*, or either of them:

The seventh Part—to Companies authorized to register under this Act:

The eighth Part—to the application of this Act to unregistered Companies:

The ninth Part—to repeal of Acts.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association, and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability.

Mode of limiting liability of members.

7. The liability of the members of a Company formed under this Act may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the Company in the event of its being wound up.

Memorandum of association of a Company limited by shares.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the memorandum of association shall contain the following things; (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that the liability of the members is limited:

(5.) The amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount,

Subject to the following regulations:—

(1.) That no subscriber shall take less than one share.

(2.) That each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes.

Memorandum of association of a Company limited by guarantee.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up, hereinafter referred to as a Company limited by

guarantee, the memorandum of association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

Memorandum of association of an unlimited Company.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members, hereinafter referred to as an Unlimited Company, the memorandum of association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established.

Stamp, signature, and effect of memorandum of association.

11. The memorandum of association shall bear the same stamp as if it were a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in the memorandum contained on the part of himself, his heirs, executors and administrators, a covenant to observe all the conditions of such memorandum, subject to the provisions of this Act.

Power of certain Companies to alter memorandum of association.

12. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized to do so by its regulations as originally framed, or as altered by Special Resolution in manner hereinafter mentioned, as to increase its capital, by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid-up shares into stock, but, save as aforesaid, and save as hereinafter provided in the case of a change of name, no alteration shall be made by any Company in the conditions contained in its memorandum of association.

Power of Companies to change name.

13. Any Company under this Act, with the sanction of a Special Resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government testified in writing under the hand of one of the Secretaries to such Government, may change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Articles of Association.

Regulations to be prescribed by Articles of Association.

14. The memorandum of association may, in the case of a Company limited by shares, and shall, in the case of a Company limited by guarantee or unlimited, be accompanied, when registered, by Articles of Association signed by the subscribers to the memorandum of association, and prescribing such regulations for the Company as the subscribers to the memorandum of association deem expedient. The Articles shall be expressed in separate paragraphs, numbered arithmetically: They may adopt all or any of the provisions contained in the Table marked A in the first Schedule hereto: They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered; and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration. In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the memorandum of association the number of shares he takes.

Application of Table A.

15. In the case of a Company limited by shares, if the memorandum of association is not accompanied by Articles of Association, or, in so far as the Articles do not exclude or modify the regulations contained in the Table marked A in the first Schedule hereto, the last mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company in the same manner and to the same extent as if they had been inserted in Articles of Association and the Articles had been duly registered.

Stamp, signature, and effect of Articles of Association.

16. The Articles of Association shall be printed, they shall bear the same stamp as if they were contained in a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in such Articles contained a covenant on the part of himself, his heirs, executors and administrators, to conform to all the regulations contained in such Articles, subject to the provisions of this Act. All monies payable by any member to the Company, in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of memorandum of association and Articles of Association with fees as in Table B.

17. The memorandum of association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies hereinafter mentioned, who shall retain and register the same. There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of the several matters mentioned in the Table marked B in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor-General of India in Council may from time to time direct, and by a Company not having a capital divided into shares, in respect of the several matters mentioned in the Table marked C in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor-General of India in Council may from time to time direct. All fees paid to the said Registrar in pursuance of this Act shall be accounted for to Government.

Effect of registration.

18. Upon the registration of the memorandum of association and of the Articles of Association in cases where Articles of Association are required by this Act, or by the desire of the parties to be registered, the Registrar shall certify under his hand

that the Company is incorporated, and in the case of a Limited Company that the Company is limited. The subscribers of the memorandum of association, together with such other persons as may from time to time become members of the Company, shall thereupon be a Body Corporate by the name contained in the memorandum of association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company in the event of the same being wound up as is hereinafter mentioned. A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

Copies of memorandum and Articles to be given to members.

19. A copy of the memorandum of association having annexed thereto the Articles of Association, if any, shall be forwarded to every member at his request, on payment of the sum of one rupee, or such less sum as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the memorandum of association and Articles of Association, if any, to a member in pursuance of this Section, the Company so making default shall for each offence incur a penalty not exceeding twenty rupees.

Prohibition against identity of names in Companies.

20. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved and testifies its consent in such manner as the Registrar requires. If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

PART II.

Distribution of Capital and Liability of Members of Companies and Associations under this Act.

Distribution of Capital.

Nature of interest in Company.

21. The shares or other interest of any member in a Company under this Act shall be moveable property capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "Member."

22. The subscribers of the memorandum of association of any Company under this Act shall be deemed to have agreed to become members of the Company whose memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the Register of Members hereinafter mentioned; and every other person who has agreed to become a member of a Company under this Act, and whose name is entered on the Register of Members, shall be deemed to be a member of the Company.

Transfer by personal representative.

23. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Register of Members.

24. Every Company under this Act shall cause to be kept in one or more books a Register of its members, and there shall be entered therein the following particulars:—

(1.) The names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member:

(2.) The date at which the name of any person was entered in the register as a member:

(3.) The date at which any person ceased to be a member.

Any Company acting in contravention of this Section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

Annual list of members.

25. Every Company under this Act and having a capital divided into shares shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the Ordinary General Meeting, or if there is more than one Ordinary Meeting in each year the first of such Ordinary General Meetings is held, are members of the Company. Such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

(1.) The amount of the capital of the Company and the number of shares into which it is divided:

(2.) The number of shares taken from the commencement of the Company up to the date of the summary:

(3.) The amount of calls made on each share:

(4.) The total amount of calls received:

(5.) The total amount of calls unpaid:

(6.) The total amount of shares forfeited:

(7.) The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the Register, and shall be completed within seven days after such fourteenth day as is mentioned in this Section, and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

Penalty on Company, &c., not keeping a proper Register.

26. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

27. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall within fifteen days of such consolidation, division or conversion, give notice to the Registrar of Joint Stock Companies of the same, specifying the shares so consolidated, divided or converted.

Company to give notice of consolidation or of conversion of capital into stock.

28. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock, and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the Register of Members hereby required to be kept by the Company, and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list instead of the amount of shares and the particulars relating to shares hereinbefore required.

Effect of conversion of shares into stock.

29. No notice of any trust, express, implied or constructive, shall be entered on the Register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Entry of trusts on Register.

30. A certificate under the common seal of the Company, specifying any share or shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Certificate of shares or stock.

31. The Register of Members, commencing from the date of the registration of the Company, shall be kept at the registered Office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall during business hours, but subject to such reasonable restrictions as the Company in General Meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the Company may prescribe for each inspection. Every such member or other person may require a copy of such Register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of two annas for every hundred words required to be copied. If such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues. Every Director and Manager of the Company who shall knowingly authorize or permit such refusal shall incur the like penalty. In addition to the above penalty, any Judge of a High Court may by order compel an immediate inspection of the Register.

Inspection of Register.

32. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Members for any time or times not exceeding in the whole thirty days in each year.

Power to close Register.

33. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and, where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar, in the case of an increase of capital within fifteen days from the date of the passing of the Resolution by which such increase has been authorized, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the Registrar shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues, and every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Notice of increase of capital and of members to be given to Registrar.

34. If the name of any person is without sufficient cause entered in, or omitted from, the Register of Members of any Company under this Act, or if default is made, or unnecessary delay takes place, in entering on the Register the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original Civil jurisdiction in the district or place in which the registered Office of the Company is situate, apply for an order of the Court that the Register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the Register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained. The Court may in any proceeding under this Section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the Register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the Register; provided that the Court may direct an issue to be tried in which any question of law may be raised, and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Remedy for improper entry or omission of entry in Register.

35. Whenever any order has been made for rectifying the Register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Notice to Registrar of rectification of Register.

36. The Register of Members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Register to be evidence.

Liability of Members.

37. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company, and the costs, charges and expenses of the winding-up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following; (that is to say)—

Liability of present and past members of Company.

(1.) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding-up:

(2.) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(3.) No past member shall be liable to contribute to the assets of the Company, unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(4.) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(5.) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the memorandum of association:

(6.) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(7.) No sum due to any member of a Company in his character of a member by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered Office of Company.

38. Every Company under this Act shall have a registered Office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an Office, it shall incur a penalty not exceeding fifty rupees for every day during which business is so carried on.

Notice of situation of registered Office.

39. Notice of the situation of such registered Office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having a registered Office.

Publication of name by a Limited Company.

40. Every Limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every Office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language, and also, if the registered Office be situate in a district beyond the local limits of the ordinary original Civil jurisdiction of a High Court, in one of the vernacular languages used in such district, and shall have its name engraven in legible characters in such language or languages on its seal, and shall have its name mentioned in legible characters in such language or languages in all notices, advertisements and other official publications of such Company, and in all Bills of Exchange, Hundís, Promissory Notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts and letters of credit of the Company.

Penalties on non-publication of name.

41. If any Limited Company under this Act does not paint or affix and keep painted or affixed its name, in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name and for every day during which such name is not so kept painted or affixed. Every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty. If any Director, Manager or Officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company, any Bill of Exchange, Hundí, Promissory Note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hundí, Promissory Note, cheque or order for money or goods, for the amount thereof, unless the same is duly paid by the Company.

Contracts how made.

42. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say)—

(1.) Any contract which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company, and such contract may be in the same manner varied or discharged:

(2.) Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company, and such contract may in the same manner be varied or discharged:

(3.) Any contract which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be.

Register of mortgages.

43. Every Limited Company under this Act shall keep a Register of all mortgages and charges specifically affecting property of the Company, and shall enter in such Register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created and the names of the mortgagees or persons entitled to such charge. If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every Director, Manager or other Officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding five hundred rupees. The Register of mortgages required by this Section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding fifty rupees and a further penalty not exceeding twenty rupees for every day during which such refusal continues. In addition to the above penalty any Judge of the High Court may by order compel an immediate inspection of the Register.

Certain Companies to publish statement entered in Schedule.

44. Every Limited Banking Company and every Insurance Company, and Deposit, Provident or Benefit Society under this Act shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first Schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered Office of the Company and in every branch Office or place where the business of the Company is carried on. If default is made in compliance with the provisions of this Section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this Section shall be entitled to a copy of the abovementioned statement on payment of a sum not exceeding eight annas.

List of Directors to be sent to Registrar.

45. Every Company under this Act and not having a capital divided into shares shall keep at its registered Office a Register containing the names and addresses and the occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a copy of such Register, and shall from time to time notify to the Registrar any change that takes place in such Directors or Managers.

Penalty on Company not keeping Register of Directors.

46. If any Company under this Act and not having a capital divided into shares makes default in keeping a Register of its Directors or Managers, or in sending a copy of such Register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such Directors or Managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Promissory Notes, Bills of Exchange and Hundís.

47. A Promissory Note, Bill of Exchange or Hundí shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf or on account of the Company, by any person acting under the authority of the Company.

Prohibition against carrying on business with less than seven members.

48. If any Company under this Act carries on business when the number of its members is less than seven for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Provisions for Protection of Members.

General Meeting of Company.

Balance-sheet.

49. A General Meeting of every Company under this Act shall be held once at the least in every year. A balance-sheet shall be made out in every year, and laid before the Company in General Meeting and filed with the Registrar of Joint Stock Companies, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to Table A in the first Schedule hereto, or as near thereto as circumstances admit. And once at the least in every year the accounts of the Company shall be examined and the correctness of the balance-sheet ascertained by one or more auditor or auditors. If default is made in compliance with any of the provisions of this Section, every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to a penalty of one thousand rupees.

Audit.

Power to alter regulations by Special Resolution.

50. Subject to the provisions of this Act, and to the conditions contained in the memorandum of association, any Company formed under this Act may, in General Meeting, from time to time, by passing a Special Resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the Articles of Association, or in the Table marked A in the first Schedule where such Table is applicable to the Company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company. Any regulations so made by Special Resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the Articles of Association, and shall be subject in like manner to be altered or modified by any subsequent Special Resolution.

Definition of Special Resolution.

51. A Resolution passed by a Company under this Act shall be deemed to be special, whenever a Resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed) at any General Meeting of which notice specifying the intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy at a subsequent General Meeting of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such Resolution was first passed. At any meeting mentioned in this Section, unless a poll is demanded by at least five members, a declaration of the Chairman that the Resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notice of any meeting shall, for the purposes of this Section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this Section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Provision where no regulations as to meetings.

52. In default of any regulations as to voting every member shall have one vote, and in default of any regulations as to summoning General Meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the Table marked A in the first Schedule hereto. In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and in default of any regulations as to who is to be Chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registry of Special Resolutions.

53. A copy of every Special Resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of Joint Stock Companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the Resolution, the Company shall incur a penalty not exceeding twenty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Copies of Special Resolutions.

54. Where Articles of Association have been registered, a copy of every Special Resolution for the time being in force shall be annexed to or embodied in every copy of the Articles of Association that may be issued after the passing of such Resolution. Where no Articles of Association have been registered, a copy of every Special Resolution shall be forwarded in print to any member requesting the same, on payment of one rupee or such less sum as the Company may direct. If any Company makes default in complying with the provisions of this Section, it shall incur a penalty not exceeding twenty rupees for each copy in respect of which

such default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Execution of deeds abroad.

55. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its Attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such Attorney on behalf of the Company and under his seal, shall be binding on the Company and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by Inspectors.

56. The Local Government may appoint one or more competent Inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following; (that is to say)—

(1.) In the case of a Banking or any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(2.) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the Register of the Company as members.

Application for inspection to be supported by evidence.

57. The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same. The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any Inspector or Inspectors.

Inspection of books.

58. It shall be the duty of all Officers and Agents of the Company to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath or affirmation the Officers and Agents of the Company in relation to its business, and may administer such oath or affirmation accordingly. If any such Officer or Agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each offence.

Result of examination how dealt with.

59. Upon the conclusion of the examination, the Inspectors shall report their opinions to the Local Government. Such report shall be written or printed as the Local Government directs. A copy shall be forwarded by the Local Government to the registered Office of the Company, and a further copy shall, at the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them. All expenses of and incidental to any such examination as aforesaid shall be defrayed by the members upon whose application the Inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Power of Company to appoint Inspectors.

60. Any Company under this Act may by a Special Resolution appoint Inspectors for the purpose of examining into the affairs of the Company. The Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the Local Government, with this exception, that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in General Meeting directs. The Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document hereby required to be produced to such Inspectors or to answer any question, as they would have incurred if such Inspectors had been appointed by the Local Government.

Report of Inspectors to be evidence.

61. A copy of the report of any Inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding as evidence of the opinion of the Inspectors in relation to any matter contained in such report.

Notices.

Service of notices on Company.

62. Any summons, notice, order or other document required to be served upon the Company, may be served by leaving the same, or sending it through the Post by a registered letter addressed to the Company, at their registered Office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the Post by a registered letter, or by delivering it to him, or by leaving it for him at his Office.

Rules as to notices by letter.

63. Every document to be served by Post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the Post Office.

Authentication of notices by Company.

64. Any summons, notice, order or proceeding requiring authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Evidence of proceedings at meetings.

65. Every Company under this Act shall cause minutes of all Resolutions and proceedings of General Meetings of the Company, and of the Directors or Managers of the Company in cases where there are Directors or Managers, to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the Chairman of the meeting at which such Resolutions were passed or proceedings had, or by the Chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings. Until the contrary is proved, every General Meeting of the Company or meeting of Directors or Managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all Resolutions passed thereat or proceedings had, to have been duly passed and had, and all appointments of Directors, Managers or Liquidators shall be deemed to be valid, and all acts done by such Directors, Managers or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

66. Where a Limited Company is plaintiff in any suit, any Judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Provision as to costs in suits brought by certain Limited Companies.

67. In any suit brought by the Company against any member to recover any call or other monies due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Plaint in suits against mem l

Alteration of Forms.

68. The forms set forth in the second Schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer. The Governor General of India in Council may from time to time make such alterations in the Tables and forms contained in the first Schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said Schedule mentioned, and in the forms in the second Schedule, or make such additions to the last mentioned forms, as he deems requisite. Any such Table or form, when altered, shall be published in the Gazette of India, and upon such publication being made, such Table or form shall have the same force as if it were included in the Schedule to this Act, but no alteration made by the Governor-General of India in Council in the Table marked A contained in the first Schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such Table.

Governor-General in Council may alter forms in Schedule.

Arbitrations.

69 Any Company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing body of such Companies.

Power for Companies to refer matters to arbitration.

70. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions or stipulations thereof.

Power to alter or revoke agreements for reference.

71. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the Companies, and may and shall be carried into full effect.

Agreements to be carried into effect.

72. Where the Companies agree, the reference shall be made to a single Arbitrator.

Reference to Arbitrator.

73. Except where the Companies agree that the reference shall be made to a single Arbitrator, the reference shall be made as follows; to wit—

Reference to two or more Arbitrators.

Where there are two Companies, the reference shall be made to two Arbitrators:

Where there are three or more Companies, the reference shall be made to so many Arbitrators as there are Companies.

74. Where there are to be two or more Arbitrators, every Company shall by writing under their common seal appoint one of the Arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of Arbitrators by Companies.

75. Where there are to be two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator. The Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Local Government.

76. When the reference is made to two or more Arbitrators, if before the matters referred to them are determined any Arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an Arbitrator in his place.

Appointment of Arbitrators by Companies to supply vacancies.

77 Where the Company by which an Arbitrator ought to be appointed in the place of the Arbitrator so deceased, incapable, unfit or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an Arbitrator. The Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Local Government to supply vacancies.

78. When any appointment of an Arbitrator is made, the Company making the appointment shall have no power to revoke the same without the previous consent in writing of the other Company or every other Company in writing under their common seal.

Appointment of Arbitrator not revocable.

79. Where two or more Arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their Umpire.

Appointment of Umpire by Arbitrators.

80. If the Arbitrators do not appoint an Umpire within seven days after the reference is made to the Arbitrators, then, on the application of the Companies or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Local Government.

81. Where two or more Arbitrators are appointed, if before the matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Umpire, the Arbitrators shall by writing under their hands appoint an impar-

Appointment of Umpire by Arbitrators to supply vacancy.

tial and qualified person to be their Umpire in his place.

Appointment of Umpire by Local Government to supply vacancy.

82. If the Arbitrators fail to appoint an Umpire within seven days after notice in writing to them of the decease, incapacity, unfitness or failure to act of their Umpire, then, on the application of the Companies or any of them, the Local Government may appoint an Umpire. The Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have powers of predecessors.

83. Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to Umpire.

84. Where there are two or more Arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c., to call for books, &c., and administer oath.

85. The Arbitrator, and the Arbitrators, and the Umpire respectively may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath or affirmation, and may administer the requisite oath or affirmation.

Procedure in the arbitration.

86. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

87. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several awards may be made.

88. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred. Every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the Arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

89. The award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in writing under his or their respective hand or hands and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement within thirty days next after the matters in difference are referred to (as the case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Power for Umpire to extend period for making his award.

90. Provided always that (except where and as the Companies otherwise agree) the Umpire, from time to time by writing under his hand, may extend the period within which his award is to be made. If it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

91. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

92. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted or suffered, shall be done, omitted or suffered accordingly.

Agreements, arbitrations and awards to have effect.

93. Full effect shall be given by the Courts according to their respective jurisdictions, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations and awards in accordance with this Act; and the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame, for the purpose.

Costs of arbitration and award.

94. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrator, and the Arbitrators, and the Umpire respectively.

Payment of costs.

95. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

96. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

WINDING-UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

Meaning of contributory.

97 The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

98. The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times

when calls are made as hereinafter mentioned for enforcing such liability; and it shall be lawful in the case of the insolvency of any contributory to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

Contributories in case of death.

99. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in a due course of administration to contribute to the assets of the Company in discharge of the liability of such deceased contributory, and such personal representatives, heirs and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

100. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding-up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law, any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding-up by Court.

Circumstances under which Company may be wound up by Court.

101. A Company under this Act may be wound up by the Court as hereinafter defined, under the following circumstances; (that is to say)—

(1.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year:

(3.) Whenever the members are reduced in number to less than seven:

(4.) Whenever the Company is unable to pay its debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

102. A Company under this Act shall be deemed to be unable to pay its debts—

(1.) Whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at its registered Office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor:

(2.) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor, in any proceeding instituted by such creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

103. The expression "the Court," as used in this Part of this Act, shall mean the principal Court having original Civil jurisdiction in the place in which the registered Office of the Company is situate; unless in the regulations for the management of the Company it shall be stipulated that the Company if wound up shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be), or by the Chief Court of the Punjab, in which case the word 'Court' shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original Civil jurisdiction.

Application for winding-up to be made by petition.

104. Any application to the Court for the winding-up of a Company under this Act shall be by petition, which may be presented by the Company, or by any one or more creditor or creditors, contributory or contributories of the Company, or by all or any of the above parties, together or separately. Every order which may be made on any such petition shall operate in favour of all the creditors and all the contributories of the Company, in the same manner as if it had been made upon the joint petition of a creditor and a contributory.

Commencement of winding-up by Court.

105. A winding-up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding-up.

Court may grant injunction.

106. The Court may, at any time after the presentation of a petition for winding up a Company under this Act and before making an order for winding up the Company, upon the application of the Company or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit. The Court may also at any time after the presentation of such petition and before the first appointment of Liquidators, appoint provisionally an Official Liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing application.

107. Upon hearing the petition, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order or any other order that it deems just.

Suits to be stayed after order for winding up.

108. When an order has been made for winding up a Company under this Act, no suit or other proceeding shall be proceeded with or commenced against the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

109. When an order has been made for winding up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies; who shall make a Minute thereof in his Books relating to the Company.

Power of Court to stay proceedings.

110. The Court may at any time after an order has been made for winding up a Company, upon the application by motion of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee

111. When an order has been made for winding up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

Court may have regard to wishes of creditors or contributories.

112. The Court may, as to all matters relating to the winding-up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories, to the number of votes conferred on each contributory by the regulations of the Company.

Official Liquidators.

Appointment of Official Liquidator.

113. For the purpose of conducting the proceedings in winding up a Company and assisting the Court therein, there may be appointed a person or persons to be called an Official Liquidator or Official Liquidators. The Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of Official Liquidator or Official Liquidators. In all cases, if more persons than one are appointed to the office of Official Liquidator, the Court shall declare whether any act hereby required or authorized to be done by the Official Liquidator is to be done by all or any one or more of such persons. The Court may also determine whether any and what security is to be given by any Official Liquidator on his appointment. If no Official Liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

Resignations, removals, filling up vacancies, and compensation

114. Any Official Liquidator may resign or be removed by the Court on due cause shown. Any vacancy in the office of an Official Liquidator appointed by the Court shall be filled by the Court. There shall be paid to the Official Liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more Liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Style and duties of Official Liquidator.

115. The Official Liquidator or Liquidators shall be described by the style of the Official Liquidator or Official Liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual name or names. He or they shall take into his or their custody, or under his or their control, all the property, effects and things in action to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding up of the Company as may be imposed by the Court.

Powers of Official Liquidator.

116. The Official Liquidator shall have power, with the sanction of the Court, to do the following things:—

(1.) To bring or defend any suit or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company:

(2.) To carry on the business of the Company, so far as may be necessary for the beneficial winding-up of the same:

(3.) To sell the immoveable and moveable property, effects and things in action of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels:

(4.) To do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts and other documents, and for that purpose to use, when necessary, the Company's seal:

(5.) To prove, rank, claim and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency as a separate debt due from such insolvent, and ratably with the other separate creditors:

(6.) To draw, accept, make and endorse any Bill of Exchange, Hundí or Promissory Note in the name and on behalf of the Company, also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money; and the drawing, accepting, making or endorsing of every such Bill of Exchange, Hundí or Promissory Note as aforesaid on behalf of the Company, shall have the same effect with respect to the liability of such Company as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof:

(7.) To take out, if necessary, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and in all cases where he takes out letters of administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the Official Liquidator himself: Provided that nothing herein contained shall be deemed to affect the rights, duties and privileges of the Administrators General and Officiating Administrators General of Bengal, Madras and Bombay respectively:

(8.) To do and execute all such other things as may be necessary for winding up the affairs of the Company and distributing its assets.

Discretion of Official Liquidator.

117. The Court may provide by any order that the Official Liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an Official Liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Appointment of Attorney or Vakeel to Official Liquidator.

118. The Official Liquidator may, with the sanction of the Court, appoint an Attorney or Vakeel to assist him in the performance of his duties.

Ordinary Powers of Court.

Collection and application of assets.

119. As soon as may be after making an order for winding up the Company, the Court shall settle a list of contributories, with power to rectify the Register of Members in all cases where such rectification is required in pursuance of this Act, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities.

Provision as to representative contributories.

120. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right, and persons who are contributories as being representatives of or being liable to the debts of others.

Power of Court to require delivery of property.

121. The Court may, at any time after making an order for winding up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker or agent, or Officer of the Company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the Official Liquidator any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

122. The Court may, at any time after making an order for winding up the Company, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Part of this Act. The Court may, in making such order, when the Company is not limited, allow to such contributory by way of set-off any monies due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profits. Provided that when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

Power of Court to order payment of debts by contributory.

123. The Court may, at any time after making an order for winding up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves. The Court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Court to make calls.

124. The Court may order any contributory, purchaser or other person from whom money is due to the Company, to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the Official Liquidator instead of to the Official Liquidator, and such order may be enforced in the same manner as if it had directed payment to the Official Liquidator.

Power of Court to order payment into Bank.

125. All monies, bills, notes and other securities, paid and delivered into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out, of the same, as the Court may direct.

Regulation of account with Court.

126. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Provision in case of representative contributory not paying monies ordered.

127. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons and in all proceedings whatsoever.

Order conclusive evidence.

128. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court may exclude creditors not proving within certain time.

129. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to adjust rights of contributories.

130. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding up any Company in such order of priority as the Court thinks just.

Court to order costs.

131. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Dissolution of Company.

132. Any order so made shall be reported by the Official Liquidator to the Registrar, who shall make a Minute accordingly in his Books of the dissolution of such Company.

Registrar to make Minute of dissolution of Company.

133. If the Official Liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Penalty on not reporting dissolution of Company.

Extraordinary Powers of Court.

134. The Court may, after it has made an order for winding up the Company, summon before it any Officer of the Company or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company. The Court may require any such Officer or person to produce any documents in his custody or power relating to the Company. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended and brought before the Court for examination. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding-up to determine all questions relating to such lien.

Power of Court to summon persons before it suspected of having property of Company.

135. The Court may examine upon oath or affirmation, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid, concerning the affairs, dealings, estate or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Examination of parties by Court.

136. The Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or

Power to arrest contributory about to abscond or to remove or conceal any of his property.

otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Powers of Court cumulative.

137. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of, any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company, for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Enforcement of and Appeal from Orders.

Power to enforce orders.

138. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Order made in any Court to be enforced by other Courts.

139. Any order made by a Court for or in the course of the winding-up of a Company under this Act shall be enforced in any part of British India other than that in which such Court is situate, in the Court that would have had jurisdiction in respect of such Company if the registered Office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Mode of dealing with orders to be enforced by other Courts.

140. Where any order or decree made by one Court is required to be enforced by another Court as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made, and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree, in the same manner as if it were the order or decree of the Court enforcing the same.

Appeals from orders

141. Re-hearings of and appeals from any order or decision made or given in the matter of the winding-up of a Company by the Court, may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of Appeal.

Judicial notice to be taken of signature of Officers

142. In all proceedings under this Part of this Act, every Court, Judge and person judicially acting, and all other Officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any Officer of any other Court, and also of the official seal of any other Court when such seal is appended to any document made, issued, or signed under the provisions of this Part of the Act, or any official copy thereof.

Special Commissioners for receiving evidence.

143. The Judges of the District Courts who sit at places more than twenty English miles from the usual place of sitting of the High Court, shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court, and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding up the Company. Every such Commissioner shall, in addition to any power of summoning and examining witnesses, and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses and requiring the production or delivery of documents and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

144. If any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any Colony, Island, Plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge or person lawfully authorized to take and receive affidavits, affirmations or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Part of this Act.

Voluntary Winding-up of Company.

Circumstances under which Company may be wound up voluntarily.

145. A Company under this Act may be wound up voluntarily,

(1.) Whenever the period, if any, fixed for the duration of the Company by the Articles of Association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in General Meeting has passed a Resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an Extraordinary Resolution to the effect that it has been proved to their satisfaction that the Company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same:

For the purposes of this Act any Resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a Special Resolution as hereinbefore defined.

Commencement of voluntary winding-up.

146. A voluntary winding-up shall be deemed to commence at the time of the passing of the Resolution authorizing such winding-up.

Effect of voluntary winding-up on status of Company.

147. Whenever a Company is wound upvoluntarily, the Company shall, from the date of the commencement of such winding-up, cease to carry on its business except in so far as may be required for the beneficial winding-up thereof; and all transfers of shares except transfers made to or with the sanction of the Liquidators, or alteration in the status of the members of the Company taking place after the commencement of such winding-up shall

be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the Company are wound up.

Notice of Resolution to wind up voluntarily.

148. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by advertisement in the local Official Gazette and also in some newspaper (if any) circulating in the place where the registered Office of the Company is situate.

Consequences of voluntary winding-up.

149. The following consequences shall ensue upon the voluntary winding-up of a Company:—

(1.) The property of the Company shall be applied in satisfaction of its liabilities *pari passu*, and subject thereto shall, unless it be otherwise provided by the regulations of the Company, be distributed amongst the members according to their rights and interests in the Company:

(2.) Liquidators shall be appointed for the purpose of winding up the affairs of the Company and distributing the property:

(3.) The Company in General Meeting shall appoint such persons or person as it thinks fit to be Liquidators or a Liquidator, and may fix the remuneration to be paid to them or him:

(4.) If one person only is appointed, all the provisions herein contained in reference to several Liquidators shall apply to him:

(5.) Upon the appointment of Liquidators, all the powers of the Directors shall cease, except in so far as the Company in General Meeting or the Liquidators may sanction the continuance of such powers:

(6.) When several Liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two:

(7.) The Liquidators may, without the sanction of the Court, exercise all powers by this Act given to the Official Liquidators:

(8.) The Liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories:

(9.) The Liquidators may at any time after the passing of the Resolution for winding up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the Liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same:

(10.) The Liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

Effect of winding-up on share-capital of Company limited by guaranteed.

150. Where a Company limited by guarantee and having a capital divided into shares is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Liquidators.

Power of Company to delegate authority to appoint Liquidators.

151. A Company about to be wound up voluntarily or in the course of being wound up voluntarily may, by an Extraordinary Resolution, delegate to its creditors, or to any Committee of its creditors, the power of appointing Liquidators or any of them, and supplying any vacancies in the appointment of Liquidators, or may by a like Resolution enter into any arrangement with respect to the powers to be exercised by the Liquidators and the manner in which they are to be exercised. Any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Arrangement when binding on creditors.

152. Any arrangement which a Company about to be wound up voluntarily or in the course of being wound up voluntarily shall have entered into with its creditors, shall be binding on the Company if sanctioned by an Extraordinary Resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Power of creditor or contributory to appeal.

153. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon, as it thinks just, amend, vary or confirm the same.

Power for Liquidators or contributories in voluntary winding-up to apply to Court.

154. Where a Company is being wound up voluntarily, the Liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding-up, or to exercise as respects the enforcing of calls or in respect of any other matter all or any of the powers which the Court might exercise if the Company were being wound up by the Court. The Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application, on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power of Liquidators to call General Meeting.

155. Where a Company is being wound up voluntarily, the Liquidators may, from time to time during the continuance of such winding-up, summon General Meetings of the Company for the purpose of obtaining the sanction of the Company by Special Resolution or Extraordinary Resolution or for any other purposes they think fit. In the event of the winding-up continuing for more than one year, the Liquidators shall summon a General Meeting of the Company at the end of the first year and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient, and shall lay before such meeting an account showing their acts and dealings and the manner in which the winding-up has been conducted during the preceding year.

Power to fill up vacancy in office of Liquidators.

156. If any vacancy occurs in the office of Liquidators appointed by the Company, by death, resignation or otherwise, the Company in General Meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy, and a General Meeting for the purpose of filling up such vacancy may be convened by the continuing Liquidators, if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing Liquidator, if any, or by any contributory of the Company, be determined by the Court.

157. If from any cause whatever there is no Liquidator acting in the case of a voluntary winding-up, the Court may, on the application of a contributory, appoint a Liquidator or Liquidators. The Court may also, on due cause shown, remove any Liquidator, and appoint another Liquidator to act in the matter of a voluntary winding-up.

Power of Court to appoint Liquidators.

158. As soon as the affairs of the Company are fully wound up, the Liquidators shall make up an account showing the manner in which such winding-up has been conducted and the property of the Company disposed of; and thereupon they shall call a General Meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the Liquidators. The meeting shall be called by advertisement, specifying the time, place and object of such meeting, and such advertisement shall be published one month at least previously to the meeting, in the manner specified in Section 148.

Liquidators on conclusion of winding-up to make up an account.

159. The Liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved. If the Liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Liquidators to report meeting to Registrar.

160. All costs, charges and expenses properly incurred in the voluntary winding-up of a Company, including the remuneration of the Liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Costs of voluntary liquidation.

161. The voluntary winding-up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding-up.

Saving of rights of creditors.

162. Where a Company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding-up.

Power of Court to adopt proceedings of voluntary winding-up.

Winding-up subject to the Supervision of the Court.

163. When a Resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding-up should continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally upon such terms and subject to such conditions, as the Court thinks just.

Power of Court, on application, to direct winding-up subject to supervision.

164. A petition praying wholly or in part that a voluntary winding-up should continue, but subject to the supervision of the Court, and which winding-up is hereinafter referred to as a winding-up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up the Company by the Court.

Petition for winding-up subject to supervision.

165. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the supervision of the Court, in the appointment of a Liquidator or of Liquidators, and in all other matters relating to the winding-up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard shall be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Court may have regard to wishes of creditors.

166. Where any order is made by the Court for a winding-up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional Liquidator or Liquidators. Any Liquidators so appointed by the Court shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if they had been appointed by the Company. The Court may from time to time remove any Liquidators so appointed by the Court, and fill up any vacancy occasioned by such removal, or by death or resignation.

Power to Court to appoint additional Liquidators in winding-up subject to supervision.

167. Where an order is made for a winding-up subject to the supervision of the Court, the Liquidators appointed to conduct such winding-up may, subject to any restrictions imposed by the Court, exercise all their powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily. Save as aforesaid, any order made by the Court for a winding-up subject to the supervision of the Court, shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the Liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the Company altogether by the Court. In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the Official Liquidators, the expression Official Liquidators shall be deemed to mean the Liquidators conducting the winding-up subject to the supervision of the Court.

Effect of order of Court for winding-up subject to supervision.

168. Where an order has been made for the winding-up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order or in any subsequent order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other persons to be Official Liquidators.

Appointment in certain cases of voluntary Liquidators to office of Official Liquidators.

Supplemental Provisions.

169. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares or alteration in the status of the members of the Company, made between the commencement of the winding-up and the order for winding-up, shall, unless the Court otherwise orders, be void.

Dispositions after the commencement of the winding-up avoided.

170. Where any Company is being wound up, all books, accounts and documents of the Company and of the Liquidators shall, as between the contributories of the Com-

The books of the Company to be evidence.

pany, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

As to disposal of books, accounts, and documents of the Company.

171. Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the Company and of the Liquidators may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and where the Company has been wound up voluntarily, in such way as the Company by an Extraordinary Resolution directs. But after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company or the Liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books.

172. Where an order has been made for winding up a Company by the Court or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court, but not further or otherwise.

General scheme of liquidation may be sanctioned.

173. The Liquidators may, with the sanction of the Court, where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the Liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

174. The Liquidators may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist, between the Company and any contributory or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding-up of the Company, generally upon such terms as may be agreed upon, with power for the Liquidators to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Power for Liquidators to accept shares, &c., as a consideration for sale of property of Company.

175. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the Liquidators of the first mentioned Company may, with the sanction of a Special Resolution of the Company by whom they were appointed, conferring either a general authority on the Liquidators, or an authority in respect of any particular arrangement, receive in compensation or part compensation for such transfer or sale, shares, debentures, policies, or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, debentures, policies or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing Company; and any sale made or arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up, who has not voted in favour of the Special Resolution passed by the Company of which he is a member at either of the meetings held for passing the same, expresses his dissent from any such Special Resolution in writing addressed to the Liquidators or one of them, and left at the registered Office of the Company not later than seven days after the date of the meeting at which such Special Resolution was passed, such dissentient member may require the Liquidators to do one of the following things as the Liquidators may prefer; that is to say, either to abstain from carrying such Resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the Company is dissolved, and to be raised by the Liquidators in such manner as may be determined by Special Resolution. No Special Resolution shall be deemed invalid for the purposes of this Section by reason that it is passed antecedently to or concurrently with any Resolution for winding up the Company, or for appointing Liquidators; but if an order be made within a year for winding up the Company by or subject to the supervision of the Court, such Resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

176. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration under the provisions next hereinafter contained.

Appointment of Arbitrator when questions are to be determined by arbitration.

177. When any dispute so directed to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single Arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an Arbitrator to whom such dispute shall be referred. After any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation. If for the space of fourteen days after any such dispute shall have arisen, and after a request in writing shall have been served by the one party on the other party to appoint an Arbitrator, such last mentioned party fail to appoint such Arbitrator, then upon such failure the party making the request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both parties, and such Arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

178. If before the matters so referred shall be determined any Arbitrator appointed by either party die, or become incapable or refuse or for seven days neglect to act as Arbitrator, the party by whom such Arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so substituted as aforesaid shall have the same powers and authorities as were vested in the former Arbitrator at the time of such his death, refusal or disability as aforesaid.

Appointment of Umpire.

179. Where more than one Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an Umpire to decide on any such matters on which they shall differ. If such Umpire shall die, or refuse or for seven days neglect to act, they shall forthwith, after such death, refusal or neglect, appoint another Umpire in his place; and the decision of every such Umpire on the matters so referred to him shall be final.

180. The said Arbitrators or their Umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Power of Arbitrators to call for books, &c.

181. The costs of and attending every such arbitration to be determined by the Arbitrators shall be in the discretion of the Arbitrators or their Umpires, as the case may be.

Costs to be in the discretion of the Arbitrators.

182. On the application of either of the parties the submission to any such arbitration may be filed in the Court, and an order of reference may be made thereon; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

Submission to arbitration may be filed in Court.

183. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment distress or execution put in force against the estate or effects of the Company after the commencement of the winding-up shall be void.

Certain attachments, distresses and executions to be void.

184. Every conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, which would, if made or done by or against any individual trader, be deemed in the event of his insolvency to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly. For the purposes of this Section, the making of an application for winding up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a Resolution for winding up the Company shall, in the case of a voluntary winding-up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act, of all its estate and effects to trustees for the benefit of all its creditors, shall be void.

Fraudulent preference.

185. Where in the course of the winding-up of any Company under this Act, it appears that any past or present Director, Manager, Official or other Liquidator, or any Officer of such Company, has misapplied or retained in his own hands or become liable or accountable for any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any Liquidator, or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other Officer, and compel him to repay any monies so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust, as the Court thinks just.

Power of Court to assess damages against delinquent Directors and Officers.

186. If any Director, Officer or contributory of any Company wound up under this Act, destroys, mutilates, alters, falsifies or fraudulently secretes any books, papers, writings or securities, or makes or is privy to the making of any false or fraudulent entry in any Register, book of account or other document belonging to the Company with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Penalty on falsification of books.

187. Where any order is made for winding up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding-up that any past or present Director, Manager, Officer or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding-up or of its own motion, direct the Official Liquidators, or the Liquidators (as the case may be), to institute a prosecution for such offence, and may order the costs and expenses of such prosecution to be paid out of the assets of the Company.

Prosecution of delinquent Directors in the case of winding-up by Court.

188. If any person, upon any examination upon oath or affirmation authorized under this Act, or in any affidavit, deposition or solemn affirmation in or about the winding-up of any Company under this Act, or otherwise in or about any matter arising under this Act, intentionally gives false evidence, he shall, upon conviction, be liable to imprisonment of either description as defined in the Indian Penal Code for a term which may extend to seven years and shall also be liable to fine.

Penalty of false evidence.

Power of High Court to make Rules.

189. The High Court may make such rules concerning the mode of proceeding to be had for winding up a Company in such Court and in the Courts subordinate thereto, as may from time to time seem necessary and as may be consistent with the other provisions of this Act and with the Code of Civil Procedure. But until such rules are made, the general practice of the Court including the practice hitherto in use in winding up Companies shall, so far as the same is applicable and not inconsistent with this Act, apply to all proceedings for winding up a Company.

Power of High Court to make rules.

PART V.

REGISTRATION OFFICE.

190. The registration of Companies under this Act shall be conducted as follows; (that is to say)—

Constitution of Registration Office.

(1.) The Local Government may, after the sanction of the Governor-General of India in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(2.) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks and servants as aforesaid:

(3.) The Local Government may from time to time determine the places at which Offices for the registration of Companies are to be established, so that there be at all times maintained in each of the three Presidency Towns of Calcutta, Madras and Bombay at least one such Office, and that no Company shall be registered except at an Office within that part of British India in which by the memorandum of association the registered Office of the Company is declared to be established:

(4.) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(5.) Every person may inspect the documents kept by the Registrar of Joint Stock Companies. There shall be paid for such inspection such fees as may be appointed by the Local Government not exceeding one rupee for each inspection. Any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar. There shall be paid for such certificate of incorporation, certified copy or extract, such fees as the Local Government may appoint, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(6.) The existing Registrar, Assistant Registrars, Clerks and other Officers and servants in the Office for the Registration of Joint Stock Companies shall, during the pleasure of the Local Government hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk or servant that may hereafter be employed in the registration of Joint Stock Companies, such salary as the Local Government may, with the sanction of the Governor-General of India in Council, direct:

(8.) Whenever any act is herein directed to be done to or by the Registrar of Joint Stock Companies, such act shall, until the Local Government otherwise directs, be done to or by the existing Registrar of Joint Stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize. But in the event of the Local Government altering the constitution of the existing Registry Office, such act shall be done to or by such Officer or Officers and at such place or places with reference to the local situation of the registered Offices of the Companies to be registered as the Local Government may appoint.

PART VI.

Application of Act to Companies Registered under the Joint Stock Companies' Acts.

Application of Act to Companies formed under Act XIX of 1857 or VII of 1860.

191. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first Schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, in the same manner in the case of a Limited Company as if such Company had been formed and registered under this Act as a Company limited by shares; and in the case of a Company other than a Limited Company, as if such Company had been formed and registered as an Unlimited Company under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by Special Resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the Table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an Unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding such regulations are contained in the memorandum of association.

Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.

192. This Act shall apply to Companies registered but not formed under the said Acts or either of them, in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Mode of transferring shares.

193. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

PART VII.

Companies authorized to register under this Act.

Companies capable of being registered.

194. With the exceptions made in the next following Section and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament, or Act of the Governor-General of India in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law, and consisting of seven or more members, may at any time hereafter register itself under this Act as an Unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Regulations as to registration of existing Companies.

195. The following regulations shall be observed with respect to the registration of Companies under this Part of this Act: (that is to say)—

(1.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council other than this Act, or by Letters Patent, and not being a Joint Stock Company as hereinafter defined, shall register under this Act in pursuance of this Part thereof:

(2.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council other than this Act, or by Letters Patent, shall register under this Act in pursuance of this Part thereof as an Unlimited Company, or as a Company limited by guarantee:

(3.) No Life Assurance Company existing at the time of the commencement of this Act, and no Company that is not a Joint Stock Company as hereinafter defined, shall in pursuance of this Part of this Act register under this Act as a Company limited by shares:

(4.) No Company shall register under this Act in pursuance of this Part thereof unless an assent to its so registering is given by a majority of such of its members as may be present, personally or by proxy in cases where proxies are allowed by the regulations of the Company, at some General Meeting summoned for the purpose:

(5.) Where a Company not having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council, or by Letters Patent, is about to register as a Limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned General Meeting:

(6.) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a Resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this Section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

196. For the purposes of this Part of this Act so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid-up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons: and such Company when registered with limited liability under this Act shall be deemed to be a Company limited by shares.

Definition of Joint Stock Company.

197. Previously to the registration, in pursuance of this Part of this Act, of any Joint Stock Company, there shall be delivered to the Registrar the following documents: (that is to say),

Requisitions for registration by Companies.

(1.) A list showing the names, addresses and occupations of all persons who, on a day named in such list and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(2.) A copy of any Act of Parliament or Act of the Governor-General of India in Council, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery or other instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a Limited Company, the above list and copy shall be accompanied by a statement specifying the following particulars; (that is to say)—

The nominal capital of the Company and the number of shares into which it is divided:

The number of shares taken and the amount paid on each share:

The name of the Company, with the addition of the word "Limited" as the last word thereof:

With the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the Resolution declaring the amount of the guarantee.

198. Previously to the registration in pursuance of this Part of this Act of any Company not being a Joint Stock Company, there shall be delivered to the Registrar a list showing the names, addresses and occupations of the Directors or other Managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor-General of India in Council, Letters Patent, Deed of Settlement, Contract of Copartnery or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the Resolution declaring the amount of guarantee.

Requisitions for registration by existing Company not being a Joint Stock Company.

199. Where a Joint Stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement not more than six clear days before the day of registration.

Power for existing Company to register amount of stock instead of shares.

200. The lists of members and Directors and any other particulars relating to the Company hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same or any two of them, or of any two other principal Officers of the Company made before a Justice of the Peace or a District Judge.

Authentication of statements of existing Companies.

201. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or not a Joint Stock Company as hereinbefore defined.

Registrar may require evidence as to nature of Company.

202. Every Banking Company existing at the date of the passing of this Act which registers itself as a Limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm having a banking account with the Company. Such notice shall be given either by delivering the same to such person or firm [illegible] the same, or putting the same into the P[illegible] addressed to him or them, at such address as sh[illegible] been last communicated or otherwise becom[illegible] his or their address to or by the Co[illegible] case the Company omits to give any such n[illegible] hereinbefore required to be given, then, as b[illegible] Company and the person or persons only [illegible] time being interested in the accoun[illegible] of which such notice ought to have been [illegible] far as respects such account and all variat[illegible] thereof down to the time at which such notice shall [illegible] given, but not further or otherwise, the certificate o[illegible] registration with limited liability shall have no operation.

On registration of Banking Company with limited liability, notice to be given to customers.

203. No fees shall be charged in respect of the registration in pursuance of this Part of this Act of any Company in cases where such Company is not registered as a Limited Company, or where, previously to its being registered as a Limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor-General of India in Council, or by Letters Patent.

Exemption of certain Companies from payment of fees.

204. Any Company authorized by this Part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "Limited."

Company to change name.

205. Upon compliance with the requisitions in this Part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the Tables marked B and C in the first Schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal.

Certificate of registration of existing Companies.

206. A certificate of incorporation given at any time to any Company registered in pursuance of this Part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a Limited or Unlimited Company, as the case may be, and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Certificate to be evidence of compliance with Act.

207. All such property, moveable and immoveable, including all interests and rights in, to, and out of property, moveable and immoveable, and including obligations and things in action, as may belong to or be vested in

Transfer of property to Company.

the Company at the date of its registration under this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

208. The registration in pursuance of this Part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with or on behalf of such Company previously to such registration.

Continuation of existing suits.

209. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this Part of this Act have been commenced by or against such Company, or the public Officer or any member thereof, may be continued in the same manner as if such registration had not taken place. Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding up the Company.

Effect of registration under Act.

210. When a Company is registered under this Act in pursuance of this Part thereof, all provisions contained in any Act of Parliament, Act of the Governor-General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the Resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered memorandum of association and Articles of Association; and all the provisions of this Act shall apply to such Company and the members, contributories and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following; (that is to say),

(1.) That Table A in the first Schedule to this Act shall not, unless adopted by Special Resolution, apply to any Company registered under this Act in pursuance of this Part thereof:

(2.) That the provisions of this Act relating to the numbering of shares shall not apply to any Joint Stock Company whose shares are not numbered:

(3.) That no Company shall have power to alter any provision contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor-General of India in Council relating to the Company:

(4.) That no Company shall have power, without the sanction of the Governor General of India in Council, to alter any provision contained in any Letters Patent relating to the Company:

(5.) In the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company, so far as relates to such debts or liabilities as aforesaid. Every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding-up, all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any such contributory as last aforesaid, or marriage of any such contributory being a female, the provisions hereinbefore contained with respect to the representatives, heirs and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, and to the husbands of married contributories, shall apply:

(6.) Nothing herein contained shall authorize any Company to alter any such provisions contained in any Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the memorandum of association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this Part thereof by virtue of any Act of Parliament, Act of the Governor-General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company.

Powers of Court to restrain further proceedings.

211. The Court may, at any time after the presentation of a petition for winding up a Company registered in pursuance of this Part of this Act, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding up Company.

212. Where an order has been made for winding up a Company registered in pursuance of this Part of the Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

PART VIII.

APPLICATION OF ACT TO UNREGISTERED COMPANIES.

Winding up of unregistered Companies.

213. Subject as hereinafter mentioned any partnership, association or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor-General of India in Council, consisting of more than seven members and not registered under this Act, and hereinafter included under the term Unregistered Company, may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to such Company, with the following exceptions and additions:—

(1.) An Unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding-up, be deemed to be registered in that part of British India where its principal place of business is situate; or if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business. Moreover, the principal place of business of an Unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding-up of such Company, be deemed to be the registered Office of the Company:

(2.) No Unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court:

(3.) The circumstances under which an Unregistered Company may be wound up are as follows; (that is to say):—

(a.) Whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(*b.*) Whenever the Company is unable to pay its debts;

(*c.*) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up:

(4.) An Unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts,

(*a.*) Whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor

(*b.*) Whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due or claimed to be due from the Company, or from him in his character of member of the Company, and, notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the Secretary, or some Director, Manager or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not within ten days after service of such notice paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages and expenses to be incurred by him by reason of the same:

(*c.*) Whenever execution or other process, issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied:

(*d.*) Whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts

Who to be deemed a contributory in the event of Company being wound up.

214. In the event of an Unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company. Every such contributory shall be liable to contribute to the assets of the Company in the course of the winding-up all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

215 The Court may, at any time after the making of an application for winding up an Unregistered Company, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding up Company.

216. Where an order has been made for winding up an Unregistered Company, in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Provision in case of Unregistered Company.

217. If any Unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding up such Company or by any subsequent order, direct that all such property, moveable and immoveable, including all interests, claims and rights into and out of property, moveable and immoveable, and including things in action, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company or any part of such property, is to vest in the Official Liquidator or Official Liquidators by his or their official name or names, and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the Official Liquidator or Official Liquidators may, in his or their official name or names, or in such name or names and after giving such indemnity as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding up the Company and recovering the property thereof.

Provisions of this Part of Act cumulative.

218. The provisions made by this Part of the Act with respect to Unregistered Companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained with respect to winding up Companies by the Court. The Court or Official Liquidator may, in addition to any thing contained in this Part of the Act, exercise any powers or do any act in the case of Unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an Unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the extent provided by this Part of this Act.

PART IX.

Repeal of Acts and Miscellaneous Provisions.

Repeal of Acts.

219. After the commencement of this Act, there shall be repealed the several Acts specified in the third Schedule hereto.

Saving Clause as to repeal.

220. No repeal hereby enacted shall affect—

(1.) Any thing duly done under any Acts hereby repealed:

(2.) The incorporation of any Company registered under any Act hereby repealed.

(3.) Any right or privilege acquired or liability incurred under any Act hereby repealed:

(4.) Any penalty, forfeiture or other punishment incurred in respect of any offence against any Act hereby repealed.

(5.) Table B in the Schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

Saving of existing proceedings for winding up.

221. Where previously to the commencement of this Act an order has been made for winding up a Company under any Acts or Act hereby repealed, or a Resolution has been passed for winding up a Company voluntarily

such Company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding-up, such repealed Acts or Act shall be deemed to remain in full force.

Saving of Conveyance Deeds.

222. Where previously to the commencement of this Act any conveyance, mortgage or other deed has been made in pursuance of any Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed, such repealed Act shall be deemed to remain in full force.

Compulsory registration of certain Companies.

223. Every Company required by any Act hereby repealed to register under the said Acts, or either of them, and which has not so registered, shall, on or before the expiration of the thirty-first day from the commencement of this Act, register itself as a Company under this Act, in manner and subject to the regulations hereinbefore contained. No fees shall be charged in respect of the registration of any Company required to register by this Section.

Penalty on Company not registering.

224. If any Company required by the last Section to register under this Act makes default in complying with the provisions thereof, then, from and after the day upon which such Company is required to register under this Act, until the day on which such Company is registered under this Act (which it is empowered to do at any time), the following consequences shall ensue, (that is to say)—

(1.) The Company shall be incapable of suing but shall not be incapable of being made a defendant to a suit.

(2.) No dividend shall be payable to any shareholder in such Company.

(3.) Each Director or Manager of the Company shall, for each day during which the Company so being in default carries on business, incur a penalty not exceeding one hundred rupees, and such penalty may be recovered by any person, whether a shareholder or not in the Company, and be applied by him to his own use.

Nevertheless, such default shall not render the Company so being in default illegal, nor subject it to any penalty or disability other than as specified in this Section, and registration under this Act shall cancel any penalty or forfeiture, and put an end to any disability which any Company may have incurred by reason of its not having registered under the said Act No. XIX of 1857.

Cognizance of offences under this Act.

225. All offences under this Act may be tried by any Officer exercising the powers of a Magistrate, unless the period of imprisonment to which the offender is liable shall exceed that which such Officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Officer, the offender shall be committed for trial before the Court of Session.

Punishment of offences under this Act, committed within local limits of High Court.

226. If any offence which by this Act is declared to be punishable by any penalty shall be committed by any person within the local limits of the ordinary original Civil jurisdiction of the High Court, such offence shall be punishable upon summary conviction by any Magistrate of Police of the place at which such Court is held.

Levy of penalties by distress.

227. All penalties imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the offender's moveable property by warrant under the hand of the Officer imposing the penalty.

Procedure until return is made to distress warrant.

228. In case any such penalty shall not be forthwith paid, such Officer may order the offender to be arrested and kept in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Imprisonment if no sufficient distress.

229. If upon the return of the warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient moveable property whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, for any term not exceeding two months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount of penalty.

Construction of "Registrar of Joint Stock Companies" in Act No. XXI of 1860.

230. In Sections 1 and 18 of Act No. XXI of 1860 *(for the registration of Literary, Scientific and Charitable Societies)*, the words "Registrar of Joint Stock Companies" shall be construed to mean Registrar of Joint Stock Companies under this Act or any Act for the time being in force.

Act not to apply to Banks of Bengal, Madras or Bombay.

231. Save as provided in Section 125, nothing in this Act shall be deemed to apply to the Bank of Bengal, the Bank of Madras and the Bank of Bombay.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in General Meeting may prescribe, be entitled to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in General Meeting may prescribe.

Calls on Shares.

(4.) The Directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Directors.

(5.) A call shall be deemed to have been made at the time when the Resolution of the Directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The Directors may, if they think fit, receive from any member willing to advance the same all or any part of the monies due upon the shares held by him beyond the sums actually called for; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the Directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the Register Book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form:—

I, A B, of in consideration of the sum of rupees paid to me by C D of do hereby transfer to the said C D the share (or shares) numbered standing in my name in the books of the Company, to hold unto the said C D his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution hereof; and I, the said C D, do hereby agree to take the said share (or shares) subject to the same conditions. As witness our hands, the day of

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the Ordinary General Meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, together with such evidence as the Directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the Directors may, at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day on or before which such call and all interest and expenses that have accrued by reason of such non-payment are to be paid. It shall also name the place where payment is to be made, the place so named being either the registered Office of the Company or some other place at which calls of the Company are usually made payable. The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of all calls, interest and expenses due in respect thereof has been made, be forfeited by a Resolution of the Directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in General Meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by a Resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to a purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the sanction of the Company previously given in General Meeting, convert any paid-up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein or any part of such interests, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26.) The Directors may, with the sanction of a Special Resolution of the Company previously given in General Meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in General Meeting directs, or, if no direction is given, as the Directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first General Meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place, as the Directors may determine.

(30.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year, at such place as may be determined by the Directors.

(31.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an Extraordinary General Meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon the receipt of such requisition the Directors shall forthwith proceed to convene an Extraordinary General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other members amounting to the required number, may themselves convene an Extraordinary General Meeting.

Proceedings at General Meetings.

(35.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any General Meeting.

(36.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets and the ordinary report of the Directors.

(37.) No business shall be transacted at any General Meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business. Such quorum shall be ascertained as follows: that is to say, if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week, at the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die.*

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every General Meeting of the Company.

(40.) If there is no such Chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the members present shall choose some one of their number to be Chairman.

(41.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any General Meeting, unless a poll is demanded by at least five members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such Resolution.

(43.) If a poll is demanded by five or more members, it shall be taken in such manner as the Chairman directs, and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting. In the case of an equality of votes at any General Meeting the Chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every member shall have one vote for every share up to ten. He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any member is a lunatic or idiot, he may vote by his Committee or other legal Curator; and if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the member whose name stands first in the Register of Members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No member shall be entitled to vote at any General Meeting unless all calls due from him have been paid, and no member shall be entitled to vote in respect of any share that he has acquired by transfer, at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy.

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointer, or if such appointer is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered Office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form:—

Company Limited.

I of being a member of the Company Limited, and entitled to vote or votes, hereby appoint of as my proxy, to vote for me and on my behalf at the (Ordinary or Extraordinary, as the case may be) General Meeting of the Company to be held on the day of , and at any adjournment thereof (or, at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the memorandum of association.

(53.) Until Directors are appointed, the subscribers of the memorandum of association shall be deemed to be Directors.

(54.) The future remuneration of the Directors, and their remuneration for services performed previously to the first General Meeting, shall be determined by the Company in General Meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the Directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise

all such powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in General Meeting, subject nevertheless to any regulations of these Articles, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

(56.) The continuing Directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of Director shall be vacated—

If he holds any other office or place of profit under the Company;

If he becomes bankrupt or insolvent;

If he is concerned in or participates in the profits of any contract with the Company;

But the above rules shall be subject to the following exceptions: That no Director shall vacate his office by reason of his being a member of any Company which has entered into contracts with or done any work for the Company of which he is Director; nevertheless he shall not vote in respect of such contract or work; and if he does so vote his vote shall not be counted.

Rotation of Directors.

(58.) At the first Ordinary Meeting after the registration of the Company, the whole of the Directors shall retire from office; and at the first Ordinary Meeting in every subsequent year, one-third of the Directors for the time being, or, if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to retire during the first and second years ensuing the first Ordinary Meeting of the Company shall, unless the Directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If at any meeting at which an election of Directors ought to take place the places of the vacating Directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the Ordinary Meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in General Meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the Board of Directors may be filled up by the Directors, but any person so chosen shall retain his office so long only as the vacating Director would have retained the same if no vacancy had occurred.

(65.) The Company in General Meeting may, by a Special Resolution, remove any Director before the expiration of his period of office, and may by an Ordinary Resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the Chairman shall have a second or casting vote. A Director may at any time summon a meeting of the Directors.

(67.) The Directors may elect a Chairman of their meetings, and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

(68.) The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit. Any Committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the Directors.

(69.) A Committee may elect a Chairman of its meetings. If no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

(70.) A Committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and in case of an equality of votes the Chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

Dividends.

(72.) The Directors may, with the sanction of the Company in General Meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared, may be forfeited by the Directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The Directors shall cause true accounts to be kept,

Of the stock in trade of the Company;

Of the sums of money received and expended by the Company, and the matters in respect of which such receipt and expenditure take place; and

Of the credits and liabilities of the Company.

The books of account shall be kept at the registered Office of the Company, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the Directors shall lay before the Company in General Meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year and laid before the Company in General Meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to this Table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance-sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the Directors; subsequent auditors shall be appointed by the Company in General Meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be members of the Company; but no person is eligible as an auditor who is interested otherwise than as a member in any transaction of the Company; and no Director or other Officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in each year.

(88.) The remuneration of the first auditors shall be fixed by the Directors; that of subsequent auditors shall be fixed by the Company in General Meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the applicaton of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts examine the Directors or any other Officer of the Company.

(94.) The auditors shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have or has been given by the Directors, and whether they or it have or has been satisfactory. Such report shall be read, together with the report of the Directors, at the Ordinary Meeting.

Notices.

(95.) A notice may be served by the Company upon any member either personally or by sending it through the Post in a letter addressed to such member at his registered place of abode.

(96.) All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the Register of Members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office.

Dr. *Balance-sheet (a) of the* *Company made up to* 18 **Cr.**

		CAPITAL AND LIABILITIES.					PROPERTY AND ASSETS.			
I. CAPITAL.		SHOWING:	Rs.	As.	III. PROPERTY HELD BY THE COMPANY.		SHOWING:	Rs.	As.
	1	The number of share				7	Immoveable property. Distinguishing—		
	2	The amount paid for shares					(a) Freehold land		
	3	If any arrears of calls, the nature of the arrear, and the names of the defaulters ...					(b) " Buildings		
							(c) Leasehold "		
	4	The particulars of any forfeited shares ...				8	Moveable property. Distinguishing—		
							(d) Stock in Trade		
							(e) Plant		
II. DEBTS AND LIABILITIES OF THE COMPANY.		SHOWING:					The cost to be stated with deductions for deterioration in value as charged to the reserve fund of profit and loss ...		
	5	The amount of loans on mortgages or debenture bonds							
	6	The amount of debts owing by the Company, distinguishing			IV. DEBTS OWING TO THE COMPANY.		SHOWING:		
		(a) Debts for which acceptances have been given				9	Debts considered good for which the Company hold bills or other securities ...		
		(b) Debts to tradesmen for supplies of stock in trade or other articles ...				10	Debts considered good for which the Company hold no security		
		(c) Debts for law expenses ...				11	Debts considered doubtful and bad, any debt due from a Director or other Officer of the Company to be separately stated ...		
		(d) Debts for interest on debentures or other loans							
		(e) Unclaimed dividends							
		(f) Debts not enumerated above ...							
VI. RESERVE FUND.		SHOWING:			V. CASH AND INVESTMENTS.		SHOWING:		
		The amount set aside from profits to meet contingencies.				12	The nature of investment and rate of interest		
VII. PROFIT AND LOSS.		SHOWING:				13	The amount of cash, where lodged, and if bearing interest		
		The disposable balance for payment of dividends, &c.							
CONTINGENT LIABILITIES.		Claims against the Company not acknowledged as debts							
		Monies for which the Company is contingently liable							

(a) See Clauses 81 and 82 of the foregoing Table A.

TABLE B.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of ...	40	0	0
For registration of a Company whose nominal capital exceeds Rs. 20,000 the above fee of forty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 20,000 rupees up to 50,000 rupees	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 50,000 rupees up to 1,000,000	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 1,000,000 rupees	1	0	0
For registration of any increase of capital made after the first registration of the Company, the same fees per 10,000 rupees or part of 10,000 rupees as would have been payable if such increased capital had formed part of the original capital at the time of registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on registration, or afterwards, any greater amount of fees than 1,000 rupees, taking into account in the case of fees payable on an increase of capital after registration the fees paid on registration.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association ...	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of ..	5	0	0

TABLE C.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company not having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose number of members, as stated in the Articles of Association, does not exceed 20	40	0	0
For registration of a Company whose number of members, as stated in the Articles of Association, exceeds 20, but does not exceed 100	100	0	0
For registration of a Company whose number of members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 5 for every 50 members or less number than 50 members after the first 100.			
For registration of a Company in which the number of members is stated in the Articles of Association to be unlimited, a fee of ...	400	0	0
For registration of any increase on the number of members made after the registration of the Company, in respect of every 50 members, or less than 50 members, of such increase ...	5	0	0
Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 400 in respect of its number of members, taking into account the fee paid on the first registration of the Company.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

FORM D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE ACT.

* The Capital of the Company is Rs. , divided into shares of each.

The number of shares issued is . Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the Company on the first day of January (or July) were:—

Debts owing to sundry persons by the Company:

Under decree, Rs.

On specialty, Rs.

On Notes or Bills, Rs.

On Simple Contracts, Rs.

On estimated Liabilities, Rs.

The Assets of the Company on that day were:—

Government Securities [*stating them*], Rs.

Bills of Exchange and Promissory Notes, Rs.

Cash at the Bankers, Rs.

Other Securities, Rs.

SECOND SCHEDULE.

FORM A.

Memorandum of association of a Company limited by shares.

1st.—The name of the Company is "the Company, Limited."

2nd.—The registered Office of the Company will be situate in

3rd.—The objects for which the Company is established are, " and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—The capital of the Company is Rs. divided into shares of Rs. each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names:—

Names, Addresses, and Descriptions of Subscribers.	Number of shares taken by each subscriber.
1. A. B. of ...	
2. C. D. " ...	
3. E. F. " ...	
4. G. H. " ...	
5. I. J. " ...	
6. K. L. " ..	
7. M N. " ...	
Total shares taken ...	

Dated the day of

Witness to the above signatures.

O. P. of

* If the Company has no capital divided into shares, the portion of the Statement relating to capital and shares must be omitted.

FORM B.

Memorandum and Articles of Association of a Company limited by guarantee, and not having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "the Mutual Calcutta Marine Association, Limited."

2*nd.*—The registered Office of the Company will be situate in Calcutta.

3*rd.*—The objects for which the Company is established are "the Mutual Insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4*th.*—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of

Witness to the above signatures

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the purpose of registration, is declared to consist of five hundred members.

(2.) The Directors hereinafter mentioned may, whenever the business of the association requires it, register an increase of members.

Definition of Members.

(3.) Every person shall be deemed to have agreed to become a member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4.) The first General Meeting shall be held at such time not being more than three months after the incorporation of the Company, and at such place as the Directors may determine.

(5.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year at such place as may be determined by the Directors.

(6.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(7.) The Directors may whenever they think fit, and they shall upon a requisition made in writing by any five or more members, convene an Extraordinary General Meeting.

(8.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(9.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene a General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

Proceedings at General Meetings.

(10.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any General Meeting.

(11.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the Directors.

(12.) No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of members is present at the commencement of such business. Such quorum shall be ascertained as follows: that is to say, if the members of the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

(13.) If within one hour from the time appointed for the meeting, a quorum of members is not present, the meeting if convened upon the requisition of the members, shall be dissolved. In any other case it shall stand adjourned to the same day in the following week, at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die.*

(14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.

(15.) If there is no such Chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be Chairman of such meeting.

(16.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17.) At any General Meeting, unless a poll is demanded by at least five members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such Resolution.

(18.) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the Chairman directs; and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

(19.) Every member shall have one vote and no more.

(20.) If any member is a lunatic or idiot, he may vote by his Committee or other legal Curator: if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21.) No member shall be entitled to vote at any meeting unless all monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by proxies. A proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a Corporation, under its common seal.

(23.) No person shall be appointed a proxy who is not a member, and the instrument appointing him shall be deposited at the registered Office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24.) Any instrument appointing a proxy shall be in the following form :—

COMPANY LIMITED.

I of
being a member of the
Company Limited, hereby appoint
of as my proxy, to vote for me and on my behalf at the [Ordinary or Extraordinary, *as the case may be*] General Meeting of the Company to be held on the day of , and at any adjournment thereof to be held on the day of next [*or* at any meeting of the Company that may be held in the year .]

As witness my hand, this
day of

Signed by the said in the presence of

Directors.

(25.) The number of the Directors and the names of the first Directors shall be determined by the subscribers of the memorandum of association.

(26.) Until Directors are appointed, the subscribers of the memorandum of association shall be deemed to be Directors.

Powers of Directors.

(27.) The business of the Company shall be managed by the Directors, who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

Election of Directors.

(28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

(Here insert rules as to mode in which business of insurance is to be conducted.)

ACCOUNTS.

(29.) The accounts of the Company shall be audited by a Committee of five members, to be called the Audit Committee.

(30.) The first Audit Committee shall be nominated by the Directors out of the body of members.

(31.) Subsequent Audit Committees shall be nominated by the members at the Ordinary General Meeting in each year.

(32.) The Audit Committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and vouchers relating thereto.

(33.) The Audit Committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company. They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may in relation to such accounts examine the Directors or any other Officer of the Company.

(34.) The Audit Committee shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by these regulations of the Company, and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and in case they have called for explanations or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read together with the report of the Directors at the Ordinary Meeting.

Notices.

(35.) A notice may be served by the Company upon any member, either personally or by sending it through the Post in a letter addressed to such member at his registered place of abode.

(36.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put in to the Post Office.

Winding-up.

(37.) The Company shall be wound up voluntarily whenever an Extraordinary Resolution, as defined by the Indian Companies' Act, 1866, is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of ... ... Merchant.
2. C. D. of ... ... ,,
3. E. F. of ... .. ,,
4. G. H. of ... ... ,,
5. I. J. of ... ... ,,
6. K. L. of .. ... ,,
7. M. N. of ... ... ,,

Dated the day of 18 .

Witness to the above signatures.

O. P. of

FORM C.

Memorandum and Articles of Association of a Company limited by guarantee, and having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "The Hotel Company, Limited."

2*nd.*—The registered Office of the Company will be situate in

3*rd.*—The objects for which the Company is established are "the facilitating travelling in by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4*th.*—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 18 .

Witness to the above signatures.

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lakhs of rupees divided into five thousand shares of one hundred rupees each.

2. The Directors may, with the sanction of the Company in General Meeting, reduce the amount of shares.

3. The Directors may, with the sanction of the Company in General Meeting, cancel any shares belonging to the Company.

4. All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Addresses, and Descriptions of Subscribers.	Number of shares taken by each Subscriber.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

O. P. of

Memorandum and Articles of Association of an Unlimited Company having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "The Patent Company."

2*nd.*—The registered Office of the Company will be situated in

3*rd.*—The objects for which the Company is established are "the working of a patent method of of which method O. P. of is the sole patentee.

We, the several persons whose names are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 186 .

Witness to the above signatures.

Q. R. of

Articles of Association to accompany the preceding memorandum of association.

Capital of the Company.

The capital of the Company is twenty thousand rupees divided into twenty shares of one thousand rupees each.

Application of Table A.

All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Addresses and Descriptions of subscribers.	Number of shares taken by subscribers.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

Q. R. of

FORM E As required by the Second Part of the Act.

Summary of Capital and Shares of the Company made up to the day of

Nominal Capital Rs. divided into shares of Rs. each

Number of Shares taken up to the day of

There has been called up on each Share Rs.

Total amount of calls received Rs.

Total amount of calls unpaid Rs.

List of persons holding shares in the Company on the day of and of persons who have held Shares therein at any time during the year immediately preceding the said day of , showing their names and addresses and an account of the Shares so held.

Folio in Register Ledger containing particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing members on the day of	Additional Shares held by existing members during preceding year.		Shares held by persons no longer members.		
						Number.	Date of transfer.	Number.	Date of transfer.	

THIRD SCHEDULE.

Number and date of Act	Title of Act.
No. XLIII of 1850 ...	An Act for the Regulation of Joint Stock Companies.
No. XIX of 1857 ...	An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations, either with or without limited liability of the members thereof.
No. VII of 1860 ...	An Act to enable Joint Stock Banking Companies to be formed on the principle of limited liability.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th March 1866, and is hereby promulgated for general information :—

ACT No. XI OF 1866.

An Act to repeal Act No. IV of 1855 *(for incorporating for a further period, and for giving further powers to the Assam Company).*

Preamble.

Whereas the Assam Tea Company is to be incorporated by a local Act of Parliament made and passed in the 28th and 29th years of the reign of Her Majesty, cap. CXXIX; but, under or by virtue of the second Section of the said Act of Parliament, its operation is deferred until the expiration of two months next after the day of the passing by the Governor General of India in Council of an Act to repeal the Act of the Legislative Council of India, No. IV of 1855; and whereas it is expedient to repeal the same Act in order that the said Act of Parliament may be brought into operation; It is hereby enacted as follows :—

Repeal of Act IV of 1855.

1. Act No. IV of 1855 is hereby repealed, except as to the repeal of Act No. XIV of 1854 effected thereby, and except as to contracts made, acts done, and liabilities incurred before the passing of this Act.

For two months the powers, rights, and liabilities of Assam Company not to be affected.

2. For the period of two months next after the day of the passing of this Act, the incorporation, powers, rights and liabilities of the said Company shall continue as if this Act had not been passed.

WHITLEY STOKES,

Asst. Secy. to the Govt of India,
Home Department (Legislative.)

HOME DEPARTMENT.

No. 2381.

Fort William, the 13*th March* 1866.

NOTIFICATIONS.

Mr. A. B. Wynne, Assistant in the Geological Survey, has obtained twenty months' leave of absence to Europe on medical certificate, under para. 11 of the Uncovenanted Service Absentee Rules.

No. 2383.

Mr. E. C. Ryall, Civil 2nd Assistant, Great Trigonometrical Survey, has obtained twelve months' leave of absence on medical certificate, to enable him to proceed to the hills north of Dehra.

No. 2385.

Assistant Surgeon P. Cullen, Civil Assistant Surgeon of the Wurdah District, in the Central Provinces, has obtained thirty-one days' privilege leave of absence from the 15th March instant, or from such subsequent date as he may avail himself of it.

No. 2387.

The services of Mr. G. G. Morris, Officiating Registrar of the High Court in its Appellate Jurisdiction, are replaced at the disposal of the Government of Bengal, with effect from the afternoon of the 28th ultimo.

No. 2433.

The Governor General in Council is pleased to attach Messrs. F. W. Porter and G. R. C. Williams, of the Civil Service, reported qualified for the Public Service, to the North-Western Provinces, the Punjab, and Oudh.

No. 2434.

Messrs. W. B. Oldham, F. W. Porter, and G. R. C. Williams, Junior Civil Servants, having, within the prescribed interval after arrival in India, passed Examinations in two languages, have each been presented with the authorized donation of Rs. 800.

No. 2435.

The Governor General in Council is pleased to attach Mr. W. B. Oldham, of the Civil Service, reported qualified for the Public Service, to the Bengal Division of the Presidency of Fort William.

No. 2458.

The 14*th March* 1866.

Mr. Auckland Colvin, Civil Service, has reported his departure from India by the Steamer "Meinan" (Messageries Imperiales), which vessel was left at sea by the Pilot on the 4th instant.

No. 2459.

The Reverend A. W. Wallis, Chaplain on the Bengal Establishment, reported his return from furlough on the 16th ultimo, per Ship "Marlborough."

2. Mr. Wallis's services are placed at the disposal of the Government of Bengal.

No. 2495.

APPOINTMENTS IN THE TELEGRAPH DEPARTMENT.

Major R. Murray, to be Deputy Director General.

Mr. C. Galbraith, „ B. C. Bailey,	To be Superintendents of the 1st Grade.
Mr. J. T. Blissett, „ G. O'Donnell, „ A. Cappel, „ F. G. Teale, Capt. Mallock, Mr. J. H. Lane, „ G. J. Moberley,	To be Superintendents of the 2nd Grade.
Mr. H. Wickham, „ J. H. Nowill, „ T. R M. Bence, „ W. H. St. Albin, „ R. B. Flindell, „ C. B. P. Gordon, „ J. S. Harris, „ B. Ffinch, „ W. R. Brooke,	To be Superintendents of the 3rd Grade.

No. 2503.

The 15th March 1866.

Lieutenant H. R. Spearman, Assistant Commissioner, 3rd. Grade, British Burmah, is invested with the powers of a Subordinate Magistrate of the 1st Class, under Section 23 of the Code of Criminal Procedure.

No. 2517.

The following changes in the Police of British Burmah have been sanctioned :—

Mr. J. H. Lawrence, Superintendent of Police, 5th Grade, made over charge of the Office, Eastern Frontier, Prome District, to Lieutenant L. B. Bance, Officiating Assistant Superintendent, on the afternoon of the 17th November 1865.

Lieutenant R. Houghton, Superintendent of Police, 5th Grade, made over charge of the Office, Mergui District, to Mr. T. Shepherd, Deputy Commissioner, on the afternoon of the 24th November 1865, and proceeded to Toungoo and assumed charge of the office of District Superintendent from Captain Lloyd, Deputy Commissioner, on the forenoon of the 16th January 1866.

Mr. J. H. Lawrence, Superintendent of Police, 5th Grade, received charge of the Office, Mergui District, from Mr. T. Shepherd, Deputy Commissioner, on the afternoon of the 16th December 1865.

No. 2519.

Mr. John Seobell Armstrong, appointed by the Secretary of State for India Member of Her Majesty's Civil Service on the Bengal Establishment, reported, on the 3rd instant, his arrival at the Sandheads on the 2nd idem.

No. 2520.

Dr. F. Carter, Civil Assistant Surgeon, Mohumdee, is allowed 28 days' leave from the 15th instant, or from such date as he may avail himself of it, to proceed to Calcutta, preparatory to applying for sick leave to Europe.

No. 2522.

Captain E. Higginson, District Superintendent of Police, Hoshungabad, in the Central Provinces, has obtained three months' privilege leave of absence, from the 1st of June 1866.

No. 2524.

The 16th March 1866.

Mr. A. F. Millet, Civil Service, Assistant Commissioner of the 3rd Grade in Oudh, is invested with the powers of a Subordinate Magistrate of the 1st Class, as described in Section 22 of Act XXV of 1861.

No. 2526.

The under-mentioned personages in Oudh have been invested with the powers of a Subordinate Magistrate of the 2nd Class, as described in Section 22 of Act XXV of 1861 :—

Shunker Dyal, Tehseeldar of Sundeela, in the Hurdui District.

Rajah Beharee Lall, Talookdar of Moorwan, in the District of Oonao, to be exercised within the limits of his Talooka.

No. 2528.

The Reverend G. F. P. Blyth, M. A., has been appointed by the Right Hon'ble the Secretary of State to be a Junior Chaplain on the Bengal Establishment.

No. 2529.

The Reverend E. M. Birch, of the Bengal Ecclesiastical Establishment, has been permitted by the Secretary of State to resign the service from the 15th December 1865.

No. 2565.

Mr. E. G. Fraser, Civil Judge of Lucknow, availed himself, on the afternoon of the 28th ultimo, of the leave granted to him in Notification No. 2196, dated the 6th instant, making over charge of the current duties of his office to Mr. F. Lincoln, Assistant Civil Judge.

No. 2569.

Appointment.—In addition to his duties as Officiating Boundary Commissioner of Bengal and Behar, Lieutenant Colonel D. E. Vaurenen will officiate as Superintendent of Revenue Surveys in Bengal.

E. C. BAYLEY,

Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

JUDICIAL.

No. 60.

Fort William, the 12th March 1866.

A Commission of the Peace was issued from the High Court of Judicature in Bengal on the 2nd instant, directed to the under-mentioned Officers serving in the Rajpootana Agency:—

Major Alexander Mackey Mackenzie, 1st Assistant to the Political Agent at Meywar.

Major Frederick Laing Mackeson, 2nd Assistant to the Political Agent at Meywar.

REVENUE.

No. 102.

The 15th March 1866.

The following appointments in Oudh, notified in G. O. No. 70, dated 27th ultimo, are cancelled:—

Mr. P. Carnegy, Extra Assistant Commissioner, 3rd Grade.

Pundit Dya Shunkur, Officiating Extra Assistant Commissioner, 3rd Grade.

MILITARY.

No. 46.

The 14th March 1866.

Colonel H. D. Daly, C. B., Commanding Central India Horse and Political Agent in Western Malwa, is granted privilege leave of absence for twelve days from such date in this month as he may avail himself of it.

Captain C. James, Commanding 1st Regiment Central India Horse, will conduct the duties of the Political Office during Colonel Daly's absence.

GENERAL.

No. 374.

The 12th March 1866.

Surgeon T. M. Lownds, of the Rajpootana Agency, is granted privilege leave of absence for twenty-four days, from the 1st instant, to proceed to Bombay.

No. 376.

Mr. W. C. Wood, Officiating Deputy Commissioner of Pertabgurh, sailed for England on the P. and O. Company's Stea mer "Simla," which vessel was left by the Pilot at sea on the 24th ultimo.

No. 377.

Lieutenant Colonel C. Herbert returned to India on the 2nd instant, and resumed charge of the office of Agent to the Governor General with the King of Oudh and Superintendent of Political Pensions from Major G. B. Malleson on the 3rd idem.

No. 388.

The 14th March 1866.

The following promotions in the Oudh Commission, consequent on Mr. Lindsay's proceeding to Europe on furlough, are sanctioned by the Governor General in Council:—

Major J. F. MacAndrew to be Deputy Commissioner, 2nd Grade.

Mr. A. Young, M. D., to be Deputy Commissioner, 3rd Grade.

Lieutenant J. N. B. Hewett to be Assistant Commissioner, 1st Grade.

Major A. E. Wilkinson to be Assistant Commissioner, 2nd Grade.

Mr. A. F. Millet to be Assistant Commissioner, 3rd Grade.

No. 390.

Major J. Perkins, Deputy Commissioner and Settlement Officer of Sultanpore, is granted sixteen days' preparatory leave from the 19th instant, or from the date on which he may avail himself of it, to proceed to Calcutta for the purpose of appearing before the Medical Board.

No. 392.

Mr. W. H. Kerr, Superintendent of Coorg, is granted nineteen days' leave of absence to proceed to Bombay, preparatory to embarking for Europe on medical certificate.

No. 394.

Lieutenant R. H. de Montmorency, Assistant Commissioner, 1st Grade, Roy Bareilly, will officiate as Deputy Commissioner of Oonao, during the absence on leave of Mr. Glynn.

No. 396.

Mr. G A. Boswell, Extra Assistant Commissioner at Hyderabad, is granted one month's preparatory leave to Bombay, commencing from the 1st instant.

No. 398.

Mr. H. J. Sparks, Junior Secretary to the Chief Commissioner of Oudh, is appointed to officiate as Deputy Commissioner of Mohumdee, during the absence on leave of Mr. C. Lindsay.

No. 400.

Captain J. A. Campbell, Deputy Superintendent, Mysore Commission, has been granted leave of absence for seven days from the 21st ultimo, preparatory to applying for leave to Europe on medical certificate.

No. 402.

Major R. D. Ardagh, Commissioner of the Pegu Division, is granted leave of absence for twenty days from the date on which he may avail himself of it, to proceed to Madras, preparatory to applying for leave to Europe on medical certificate.

No. 418.

The 16th March 1866.

Lieutenant M. F. Coussmaker, Probationary Assistant Superintendent in the Mysore Revenue

Survey, has been granted one month's leave of absence, from the 1st instant, to proceed to Bangalore for examination.

No. 420.

Mr. H. B. Harington, Assistant Settlement Officer of Durriabad, will officiate as Settlement Officer of Sultanpore during the absence on leave of Major Perkins.

No. 422.

Mr. W. O. B. McMahon is appointed to be an Extra Assistant Commissioner of the 3rd Grade in the Settlement Department in Oudh.

No. 424.

Major R. G. Jones, Cantonment Magistrate of Secunderabad, has been granted leave of absence for one month, from the 18th instant, to proceed to Bombay, preparatory to applying for leave to Europe on medical certificate.

No. 426.

Lieutenant C. H. Grace, Assistant Commissioner in the Central Provinces, is appointed to officiate as Deputy Commissioner of Nimar during the absence on leave of Captain G. A. Warner.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 1295.

Fort William, the 16th March 1866.

NOTIFICATION.

Statement of the amount of Government Currency Notes in circulation, of the amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency.

Date of Returns.	Circles of Issue.	Notes in Circulation.	Silver Coin Reserve.	Gold Coin Reserve.	Silver Bullion Reserve.	Government Securities held in Calcutta.	Notes of other Circles.
1866.							
28th Feb.	Calcutta Circle ...	2,63,46,450	33,20,371	...	56,00,000	1,54,70,019	19,56,060
"	Allahabad Branch ditto ...	23,82,740	12,79,289	160	...	11,03,291	...
"	Lahore ditto ditto ...	37,50,420	30,50,383	...	...	7,00,037	...
"	Nagpore ditto ditto ...	9,70,430	4,22,549	...	...	5,47,881	...
"	Madras Circle ...	55,00,000	14,47,031	...	...	40,02,969	50,000
"	Calicut Branch ditto ...	3,03,850	2,03,791	...	...	1,00,059	...
"	Trichinopoly ditto ditto ...	3,00,450	2,00,381	10	...	1,00,059	...
"	Vizagapatam ditto ditto ...	3,92,710	2,92,651	...	...	1,00,059	...
"	Bombay Circle ...	2,97,30,000	73,71,748	...	51,70,000	1,71,78,052	10,200
"	Kurrachee Branch Circle	10,87,230	5,87,124	...	...	5,00,106	...
		7,07,64,280	1,81,75,318	170	1,07,70,000	3,98,02,532	20,16,260
	Deduct Notes of other Circles cashed at Calcutta, Madras, and Bombay ...	20,16,260	...	...	...	...	...
	Total ...	6,87,48,020	1,81,75,318	170	1,07,70,000	3,98,02,532	...

(Signed) J. F. SHEKLETON,
Offg. Head Commissioner, Department of Issue of Paper Currency.

DEPARTMENT OF ISSUE OF PAPER CURRENCY;
CALCUTTA,
Dated——March 1866.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 12th March 1866.

No. 247 *of* 1866.—With reference to Government General Order No. 614 of the 20th June 1865, the following paragraphs of a Military Letter from the Right Hon'ble the Secretary of State for India, No. 390, dated 30th December last, are published for general information:—

Para. 1.—I have considered in Council your Military Letter dated 31st August, No. 366, in which you submit for my decision certain points which have arisen out of my Despatch dated 16th May 1865, No. 152. Until this decision reaches you, you state you propose to consider the provisions of my Despatch as applying, not only to the Officers holding the appointments noted in the 15th paragraph, but also to the several Officers of the Departments of the Adjutant General and Quarter Master General, and to Brigadier Generals, under the authority which appears to be given under paragraph 9.

2. In reply to this reference, I have to inform you that Field Officers of Her Majesty's British Regiments who, on appointment to Brigade Commands or other Staff situations, will, under the rules of the service, be now generally seconded, may be permitted to retain their Staff situations for the period of five years, whether the regiments to which they nominally belong quit India or not before the expiration of their tour, and that the same principle is to apply to substantive Field Officers in Staff employ, who may be placed on half pay on the return home of their regiments. It is to be understood, however, that although such Officers may retain appointments they are in possession of, they are not to be considered eligible to be selected for appointment to Staff situations other than those referred to in the 15th paragraph of my Despatch No. 152 of 1865, viz., Divisional Commands, Adjutant General, and Quarter Master General, Personal Staff.

3. I have further to inform you, in reply to your letter dated 20th September, No. 404, that a similar decision is to apply to Officers holding the appointment of District Inspectors of Musketry, who, under the instructions contained in my Despatch dated 16th September 1862, No. 338, are to be seconded in their regiments.

4. It will rest with the Officers affected by this decision to take means for ascertaining whether their remaining in India after the departure of the regiments meets with the approval of the Field Marshal Commanding-in-Chief.

No. 248 *of* 1866.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Theodore William Hogg, of the 20th Hussars, Doing-duty Officer, 1st Bengal Cavalry ...	28th December 1864.

No. 249 *of* 1866.—The services of Lieutenant H. W. Hastings, of the Royal Artillery, a candidate for the Staff Corps, are placed at the disposal of the Foreign Department.

No. 250 *of* 1866.—Captain (Brevet Lieutenant Colonel) Dighton Macnaghten Probyn, C. B., V. C., of the late 3rd European Light Cavalry, Commandant 11th Bengal Cavalry, is allowed leave of absence from the 12th instant to date of embarkation in April next, to visit Bombay, with permission to proceed thence to Europe on furlough on private affairs for three years, under the old Regulations.

No. 251 *of* 1866.—His Excellency the Governor General has been pleased to make the following appointment:—

Governor General's Body Guard.

Surgeon Major G. Banister, attached to the 7th Native Infantry, to officiate in medical charge of the Body Guard, during the absence on sick leave of Assistant Surgeon H. D. Jones, or until further orders.

No. 252 *of* 1866.—Lieutenant Edward Cuthbert Brookes Rawlinson, of the General List, Cavalry, has been permitted to proceed to Sea on medical certificate, and to be absent from Bengal on that account for six months, from the 1st January last, under the new Regulations.

The 13*th March* 1866.

No. 253 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Colonel W. A. Middleton, C. B., of the Royal Artillery, to officiate as Deputy Adjutant General of Royal Artillery in India, on the departure of Colonel J. M. Adye, C. B., proceeding to England to join the 13th Brigade.

No. 254 *of* 1866.—The following promotions are made in the Subordinate Medical Department:—

Rank and Names.	Rank to which promoted.	From what date.	In whose room.
Assistant Apothecary T. M. Sullivan ...	Hospital Steward...	1st Feb. 1866.	Hospital Steward R. Goulbourne, resigned.
Hospital Apprentice George Merrick ...	Asst. Apothecary...		
Assistant Apothecary D. E. Young ...	Hospital Steward...	1st Feb. 1866.	Hospital Steward D. G. McCulloch, resigned.
Hospital Apprentice W. I. Knight ...	Asst. Apothecary...		
Hospital Steward J. Birch	Apothecary ...	23rd Feb. 1866.	Apothecary J. Sylvester, pensioned.
Assistant Apothecary W. F. Browne ...	Hospital Steward...		
Hospital Apprentice W. J. O'Conner ...	Asst. Apothecary ...		

No. 255 *of* 1866.—His Excellency the Governor-General in Council has much satisfaction in publishing the following Extracts from a Despatch from the Right Hon'ble the Secretary of State for India, No. 388, dated India Office, London, the 9th December 1864, sanctioning the establishment of good-service pensions in the Indian Army, as rewards for distinguished or meritorious services.

PARA. 1.—I have considered in Council your Military Letter No. 286, dated 13th August 1864, in which you suggest the establishment of a system of good service pensions for Officers of the Indian Army based upon that which has been adopted in Her Majesty's British Service.

2. The proposal of your Government is, that fifty such pensions of £100 per annum be given to the Indian Army, under certain conditions.

* * * * * * * *

7. Her Majesty's Government, therefore, sanction the introduction of a system of good-service pensions in the Indian Army under the following regulations:—

I. Fifty good-service pensions of £100 per annum, will be distributed among the Officers of the several Staff Corps and of Her Majesty's Indian Army at the three Presidencies.

II. Officers of all ranks will be considered eligible for the pensions on the recommendation of the Government of the Presidency to which they belong, supported by that of the Government of India; but, except under very special circumstances, the grant will be restricted to Officers above the rank of Lieutenant.

III. The good-service pension will be given up by an Officer on resignation of the service or on coming into the receipt of the Colonel's allowance; but an Officer placed on half pay, or retiring upon full or half pay pension, will retain the good-service pension in addition to such half pay or pension.

IV. Ordinarily the good-service pension will be conferred upon Officers of the effective list; but Officers who may have been placed on half pay, or who may have retired from the service on full or half pay pension, will also be considered eligible for them.

V. On the nomination of any Officer to a good-service pension being sanctioned by the Secretary of State for India in Council, a notification to that effect will be published in the *Gazette of India*, specifying the military services of the Officer.

* * * * * * * *

(Signed) C. WOOD.

2. Officers of the Royal (late Indian) Artillery and Engineers are eligible for these pensions, as well as Officers of the new Line Regiments so far as service rendered before their transfer to the Line is concerned.

3. His Excellency in Council further notifies, with reference to instructions received in a Despatch from the Right Hon'ble the Secretary of State, No. 24, dated 25th January 1866, that Officers of the Indian Medical Service will in future be considered eligible for the good-service pension. In these cases, in accordance with the principle observed with respect to Officers succeeding to the Colonel's allowance, a Medical Officer in receipt of this pension will give it up on retirement from the service on the pension of £700 a year, or on coming into the receipt of the special additional pensions of £350 and £250 allotted respectively for the grades of Inspector General and Deputy Inspector General of Hospitals on retirement.

No. 256 *of* 1866.—With reference to Government General Order No. 255 of this date, it is notified that, on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer Good Service Pensions on the following Officers, with effect from the 11th January 1865 :

BENGAL.

1. *Major General* GEORGE CAMPBELL, *Royal (late Bengal) Artillery.*

From Gentleman Cadet, Addiscombe College.

2nd Lieutenant, Artillery	...	6th June 1823.
1st Lieutenant, Horse Artillery	...	20th Sept. 1826.
Captain, Brevet	...	6th June 1838.
Captain, Horse Artillery	...	10th July 1840.
Major, Brevet	...	30th April 1844.
Major, Horse Artillery	...	21st July 1851.
Lieutenant Colonel, Brevet	...	3rd April 1846.
Lieutenant Colonel, Horse Artillery	...	26th June 1856.
Colonel, Brevet	...	20th June 1854.
Major General	...	4th July 1858.

Served in Ava in 1824-25-26, in actions of "Donahew" Pagam-men, "Prome" and "Malloon" (Medal); joined left Wing Army of "Gwalior" November 1843, and engaged in the action of "Punniar," (Bronze Star and Brevet Majority); joined the Army under Lord Gough before "Ferozeshah," 21st December 1845, and engaged in the battle "Sobraon," 10th February 1846 (Medal and Clasp, and Brevet Lieutenant Colonel); formed part of advance Column under Lord Gough at capture of "Lahore," 13th February 1846: Commander Artillery Division, "Lahore," during Punjab Campaign, 1848, (Medal); was Brigadier Commanding at Rawul Pindee in 1857, and commanded the Benares Division, 1858 to 1863.

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2. *Major General* JOHN CHRISTIE, *Bengal Cavalry.*

Cornet, 3rd Light Cavalry	...	4th Jan. 1823.
Lieutenant, 23rd Light Cavalry	...	28th May 1824.
Captain, Brevet	...	4th Jan. 1838.
Captain, 3rd Light Cavalry	...	1st Jan. 1846.
Major, Brevet	...	3rd April 1846.
Lieutenant Colonel	...	7th June 1849.
Colonel	...	28th Nov. 1854.
Major General	...	21st Feb. 1861.
Major, Unattached	...	1st Jan. 1862.
Lieutenant Colonel, Unattached	...	16th July 1864.

Served at siege and capture of Bhurtpore, 1826; in Affghanistan Campaign, 1839-40-42; present at occupation of Dharkamua and Candahar in pursuit of Candahar Chiefs to Ghrish; at siege and capture of Ghuznee; volunteered and accompanied Sir James Outram in pursuit of Dost Mahomed to Bamean and across Hindoo Coosh; present at occupation of Cabul, capture of Fortress of Pushoot, storm and capture of heights of Hykulzie, and relief of Khelat-i-Ghilzie; commanded Cavalry; directed to reinforce rear guard of Army of Candahar, and repulsed enemy with heavy loss; present at action of Gwine, re-occupation of Ghuznee and Cabul, storm and capture of Istaliff, and final march through Kybur Pass; served in Gwalior Campaign, at battle of Punniar, 1843, in Command of 8th Irregular Cavalry, with Army of Sutlej, 1845-46 at battles of Moodkee, Ferozeshah, and Sobraon, in Command of 9th Irregular Cavalry; present throughout Punjab Campaign, 1848-49, including battles of Chillianwalla and Goojerat, in Command of above Regiment and pursuit of Sikhs and Affghans.

Honors received. Honorable mention in despatches; 5 Medals with Clasps, 1 Bronze Star, and one 3rd Class Dooranee Order.

Commanded the Dinapore Brigade in 1858 and at Barrackpore in 1859.

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3. *Major General* ARTHUR MITFORD BECHER, C. B., *Staff Corps.*

Ensign	...	11th June 1833.
Ensign, 61st Native Infantry	..	24th May 1834.
Lieutenant "	...	16th July 1839.
Captain "	...	11th April 1845.
Major, Brevet	...	3rd April 1846.
Major, Staff Corps	...	18th Feb. 1861.
Lieutenant Colonel, Brevet	...	7th June 1849.
Lieutenant Colonel, Staff Corps	...	18th Feb. 1863.
Colonel, Brevet	...	28th Nov. 1854.
Major General	...	27th April 1861.

Served in Affghanistan as Deputy Assistant Quarter Master General with Army of Indus, 1839-40; present at storm and capture of Ghuznee; mentioned in despatch (Medal) as Deputy Assistant Quarter Master General with Army of Sutlej, 1845-46; present at actions of "Moodkee," "Ferozeshah," and "Sobraon" (Medal and 2 Clasps, Brevet Majority); served as Assistant Quarter Master General, Bengal Division, at siege and surrender of Mooltan, 1848-49, and with Army of Punjab; present at the battle of "Goojerat;" mentioned in despatch, (Medal, Clasp, and Brevet Lieutenant Colonelcy) as Quarter Master General of the Army with Army Head Quarters during siege and capture of Delhi, from June to November 1857, (wounded); mentioned in Major General Wilson's despatch and in Government General Order No. 1383 of 1857 (Medal and Clasp and C. B.)

4 *Major General* JOHN FORDYCE, *Royal (late Bengal) Artillery.*

2nd Lieutenant	...	10th May 1822.
1st Lieutenant	..	25th Mar. 1826.
Captain, Brevet	...	10th May 1837.
Captain	...	29th April 1840.
Major, Brevet	...	19th June 1846.
Lieutenant Colonel, Brevet	...	7th June 1849.
Major	...	2nd Feb. 1851.
Colonel, Brevet	...	28th Nov. 1854.
Lieutenant Colonel	...	8th June 1856.
Colonel	...	18th Feb. 1861.
Major General	...	29th April 1861.

Served with General Morrison's Force in attack in and capture of Arracan, 1824-25 (Indian Medal); in Sutlej Campaign, 1845-46, commanding a Battery of Artillery in battles of Ferozeshah and Sobraon, and present on occupation of Lahore; mentioned in despatches, (Medal with Bar and Brevet Majority); served in Punjab Campaign, 1848-49, commanding the 9-Pr. Troop of Horse Artillery, at battles of Chillianwalla and Goojerat; commanded Bengal Artillery Division in pursuit of Sikh Army; mentioned in despatches (Medal and Bar and Lieutenant Colonelcy); commanded Artillery with Force sent into Eusufzye, 1849, under Colonel Bradshaw, and in Kohat Pass under Sir Charles Napier (mentioned in despatch.)

Appointed Brigadier at Allahabad in February 1860, and was Brigadier Commandant of Bengal Artillery from July 1860 until February 1861.

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5. *Major General* FRANCIS WHELER, C. B., *Bengal Cavalry.*

Cornet, 2nd Light Cavalry	...	15th Sept. 1818.
Lieutenant " "	...	30th June 1821.
Captain " "	...	7th July 1833.
Major " "	..	9th Nov. 1846.
Lieutenant Colonel	...	7th June 1849.
Colonel	...	28th Nov. 1854.
Major General	...	21st July 1861.

Accompanied Army of Indus to Affghanistan in 1838; served as Brigade Major of Cavalry at Candahar and at capture of "Ghuznee;" volunteered to follow Dost Mahomed across the Hindoo Coosh and commanded all the Cavalry on that occasion under Major Outram; present at siege and capture of Mooltan; selected for the Command of 6 strong squadrons of Cavalry and 6 Horse Artillery guns in the battle of Sooruj Khoond; appointed Brigadier at Saugor in October 1857; present at siege of Bijee Rajugur on his way to Saugor, and in action three times against rebels at Saugor and Gwalior; commanded 7 Columns of Troops in Bundlecund and Rewah against rebels, October and November 1859, and cleared the country of all mutineers; (complimented by Lord Clyde).

NOTE.—*Major General Wheler having succeeded to the Colonel's allowance on the 22nd August 1865, will cease to be entitled to the Good Service Pension from that date.*

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6. *Major General* GEORGE ST. PATRICK LAWRENCE, C. B., *Staff Corps.*

Cornet	...	5th May 1821.
Lieutenant	...	1st May 1824.
Captain, Brevet	...	5th May 1836.
Captain	...	5th Jan. 1844.
Major, Brevet	...	9th Nov. 1846.
Lieutenant Colonel, Brevet ...	...	7th June 1849.
Colonel, Brevet	...	28th Nov. 1854.
Lieutenant Colonel ...	...	18th Feb. 1861.
Major General	...	25th Sept. 1861.

Served with Army of Indus, 1839-40-41, at capture of Ghuznee, in pursuit of Dost Mahomed Khan (Medal and 3rd Class Dooranee Order,) and forcing of Khoor Cabul Pass; taken prisoner on 23rd December 1841, and exchanged 29th December; in retreat from Cabul surrendered as a hostage to Akbur Khan, 8th January; released 21st September 1842; with 2,500 Sikh Troops, twice defeated Border Tribes of Eusufzye and Swat, 1847-48; prisoner to Sikhs from 23rd October 1848 to 8th March 1849; received thanks of Government (Medal and Brevet Lieutenant Colonelcy) with Sir C. Napier in forcing of Kohat Pass (mentioned in despatches and thanked by Government); commanded Force against Rebel Chief of Awah during mutinty (thanked by Government); present with British Forces under General Roberts in assault and capture of Kotah, 30th March 1858; thanked by the Indian and Home Governments (Medal and Clasp and Civil C. B.)

Governor General's Agent in Rajpootana from 1861 to 1864.

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7. *Major General* SIR NEVILLE BOWLES CHAMBERLAIN, K. C. B., *Bengal Infantry.*

Ensign, Unattached ...	...	24th Feb. 1837.
Ensign, late 55th Native Infantry	...	24th Feb. 1838.
Ensign, late 16th " "	...	Oct. 1838.
Lieutenant " " "	...	16th July 1842.
Captain " " "	...	1st Nov. 1849.
Major, Brevet	...	2nd Nov. 1849.
Lieutenant Colonel ...	...	28th Nov. 1854.
Colonel	...	27th Nov. 1857.
Major, 16th Native Infantry	...	Dec. 1859.
Lieutenant Colonel ...	...	17th Mar. 1862.
Major General	...	5th Aug. 1864.

Served with Army of Indus, 1838-39; present at capture of Ghuznee (Medal), with Colonel Chamber's Force against the Gilzies, 1841; (mentioned in despatch); attached to Christie's Horse, 1842, and took part in engagements at Candahar; wounded on three occasions, twice severely (mentioned in despatch); in re-occupation of Ghuznee and Cabul, wounded slightly; (mentioned in despatch); and at taking of Istaliff; twice wounded, once dangerously (Medal); present with Governor General's Body Guard at Moharajpore, December 1843 (Bronze Star); as Brigade Major of Irregular Cavalry with Army of Punjab, 1848-49, at Chillianwalla and Goojerat; mentioned in despatches (Medal and Clasp and Brevet Ma-

jority); as Brigadier Punjab Irregular Force, commanded several expeditions in the Frontier with great success against Hill Tribes, 1855-56-57 (received thanks of Government on four several occasions); commanded Punjab Moveable Column with rank of Brigadier General, May 1857, joined Force before Delhi, June 1857, as Adjutant General of the Army; present at capture, severely wounded, mentioned in despatch (Medal, Clasp, C. B., and Aide-de-Camp to the Queen); in 1859-60, as Brigadier General, Punjab Irregular Force, commanded expeditions against the Wuzeerees, including surprise of stronghold at "Mydanee" (thanks of Government); forcing of Burara Pass and occupation of Kanegorum and "Mukeer" (thanks of Government and Secretary of State, and K. C. B.); commanded Eusufzye Field Force at Umbeyla, October and November 1863, severely wounded; mentioned in Commander-in-Chief's despatch; received thanks of Government, and promoted to Major General.

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8. *Major General* JAMES TRAVERS, V. C., *Bengal Infantry.*

From Gentleman Cadet, Military College, Addiscombe.

Ensign, unposted	11th June 1838.
Ensign, 2nd Native Infantry ...	1839.
Lieutenant, 2nd Native Infantry ...	7th June 1841.
Captain, 2nd Native Infantry ...	7th Jan. 1846.
Major, Brevet	8th Jan. 1846.
Major, 2nd Native Infantry ...	16th Feb. 1857.
Lieutenant Colonel, Brevet ...	20th June 1854.
Lieutenant Colonel, Bengal Army ...	31st Dec. 1861.
Colonel, Brevet	6th Dec. 1856.
Major General	23rd July 1865.

Served in Affghanistan Campaign, 1840-41-42; present in actions of "Lundi-Khanah" Khawind (mentioned in despatch of Major Griffin, commanding Field Force, and publicly thanked on parade by Major General Sir W. Nott,) "Kalch Shuck," (acknowledgment of Sir W. Nott,) Bala Wallee (wounded). Two Cavalry actions on 28th August 1842, "Goine," re-capture of "Ghuznee," "Benee," "Budaum," "Mydaun," and also in many attacks on rear guard and forage parties (Medal for "Candahar," Ghuznee," and "Cabul," and Brevet Major for services in Affghanistan); served with Nussuree Battalion at battle of "Sobraon" and brought the Regiment out of action; mentioned in Lord Gough's despatch; (Medal) with Bhopal Contingent in the field in Bhopal State in 1846; commanded Cavalry at "Kullea-Karee" (Governor General's best thanks); with same Contingent in the field in Seronge and adjoining States in 1856; (acknowledgments of Governor General for successful conduct of operations against the rebel Shunker Sing); engaged in the mutinies, 1857; commanded at Indore, 1st July 1857; (India Medal and V. C.)

Commanded the Saugor District, 1862 to 1865.

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9. *Colonel* JAMES ABBOTT, *Royal (late Bengal) Artillery.*

2nd Lieutenant	6th June 1823.
2nd Lieut., 1st Battn. Bengal Artillery ..	28th Dec. 1823.
1st Lieutenant	28th Sept. 1827.
Captain, Brevet...	6th June 1838.
Captain, 2nd Battn. Bengal Artillery ...	4th Aug. 1841.
Major, Brevet	7th June 1849.
Lieut. Col., 1st Battn. Bengal Artillery	6th Mar. 1854.
Colonel, Brevet	28th Nov. 1857.
Colonel, Royal Artillery	18th Feb. 1861

Served at the siege and capture of Bhurtpore (Medal); marched with Army of Indus to Candahar 1838-39; proceeded to Herat as Secretary to the British Envoy, 1839; deputed from Herat on a mission to Khiva; proceeded from thence to the Court of St. Petersburgh. On mutiny of Sikh Army in Huzara, raised the armed population, ejected with one exception the Sikh Garrisons, and after several skirmishes, and one affair of some duration at Simulkund, remained master of Huzara, 1849; thanked by name in both Houses of Parliament (Punjab Medal and Brevet Major.)

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10. *Colonel* JOHN STAFFORD PATON, *Staff Corps.*

From Gentleman Cadet, Addiscombe College.

Ensign, Bengal Army	12th June 1837.
Ensign, 14th Native Infantry ...	12th Jan. 1838.
Lieutenant " " ...	3rd Oct. 1840.
Captain " " ...	8th Feb. 1851.
Major, Brevet	9th Feb. 1851.
Major, Staff Corps	18th Feb. 1851.
Lieutenant Colonel, Brevet	28th Nov. 1854.
Lieutenant Colonel, Staff Corps ...	12th June 1863.
Colonel, Brevet	28th Nov. 1857.

Served with Army of Gwalior, 1843, at battle of "Moharajpore" (Bronze Star); with Army of Sutlej, 1845-46; as Adjutant 14th Native Infantry at actions of "Ferozepore" and "Ferozeshuhur" (Medal, and twice mentioned in despatches of this action in Government General Order, 30th December 1845), and as Deputy Assistant Quarter Master General at "Sobraon;" (Clasp, mentioned in despatches of Brigadier Stacy and Lord Gough, and in Government General Order, 14th February 1846); at reduction of Hill Fortress of "Kote Kangra" in 1846, (mentioned in despatch, and services acknowledged by Governor General); with advance Column of Field Force ordered to Cashmere, 1846, (mentioned in Brigadier Wheeler's and Sir John Littler's orders); at action of "Rungul Nungul," Punjab 1848, (mentioned in despatch) as Deputy Assistant Quarter Master General with Army Head Quarters in Punjab Campaign, 1848-49; present at affair of "Ramnuggur," at passage of "Chenab," and battle of "Sadoolapore," (mentioned in Sir J. Thackwell's despatch and acknowledged by Commander-in-Chief and Government); with Head Quarters at "Chillianwalla"—wounded severely; (Medal and Brevet Major); mentioned in Commander-in-Chief's despatch, in Government Orders, and by Court of Directors; as Deputy Assistant Quarter Master General with the expedition against the Affreedees, and forcing the "Kohat Pass" under Sir Charles Napier, February 1850, (mentioned in Sir Colin Campbell's despatch); with Force employed to suppress the "Googaira" insurrection, Punjab, 1857; and commanded the Field Detachment sent from Lahore which was thrice engaged; Deputy Quarter Master General, 1858 to 1863; Quarter Master General, 1863 to 1865.

11. *Colonel* JAMES MACLEOD BANNATYNE FRASER-TYTLER, C. B., *Staff Corps.*

Served in the Cabul Campaign, 1841 (severely wounded) in Sutlej Campaign, 1845-46; present at battles of Moodkee and Ferozeshah, as Aide-de-Camp to His Excellency the Commander-in-Chief, (horse shot under him) and at Sobraon as Adjutant, 9th Irregular Cavalry; in Punjab Campaign, 1848-49, at Chillianwalla as Aide-de-Camp to the Commander-in-Chief, and at Goojerat with 9th Irregular Cavalry; against Mutineers in 1857 as Assistant Quarter Master General to the late Sir Henry Havelock; present at actions of Futtehpore, Oung, Pandoo Nuddee, Cawnpore, Oonao, Buseerutgung, 1st and 2nd Mungulwar, Alumbaugh, 1st relief of Lucknow (severely wounded and horse shot under him); commanded Left Brigade Bhootan Field Force, which in March 1865, re-captured the stockaded heights of Bala, and drove the enemy from his positions at Buxa Dooar and Chamurchi, destroying his stockades.

Ensign, 37th Native Infantry	... 17th Feb. 1841.
Lieutenant " ...	... 12th Nov. 1842.
Captain " ...	... 17th Mar. 1851.
Major, Brevet	... 18th Mar. 1851.
Major, Staff Corps ...	... 18th Feb. 1861.
Lieutenant Colonel, Brevet ...	... 28th Nov. 1854.
Colonel, Brevet	... 19th Jan. 1858.

12. *Colonel* FRANK TURNER, C. B., *Royal (late Bengal) Artillery.*

Served in Command of a Battery of Horse Artillery, Shah Shoojah's Force, throughout the war in Affghanistan, 1839-40-41-42, and in various engagements during that period, including Candahar, Ghuznee and Cabul (Medal) particularly noticed in despatch of battles of Gohair, Beni-Budan and Mindan, during mutiny, 1857-58, Commander 3rd Brigade Bengal Horse Artillery—at battle of Budlee-ke-Serai and throughout the siege of Delhi (horse killed under him); honorably mentioned in despatch, Government General Order, 5th November 1857; commanded the Artillery of Brigadier Greathead's Column at Bolundshuhur, Allyghur and battle of Agra, and mentioned in despatches, Government General Order, 23rd December 1857; commanded the Bengal Artillery with the Army of the Commander-in-Chief at the relief of Lucknow, (charger wounded under him); received particular acknowledgments in despatch and thanked in Government General Order, 10th December 1857; engaged in operations before and at battle of Cawnpore (mentioned in Commander-in-Chief's despatch); at action of Khoda Gunge and re-capture of Futtehgur, and at capture of Miahgunge under Sir Hope Grant (mentioned in despatch, Government General Order, 15th March 1858); commanded 3rd Brigade Bengal Horse Artillery, at siege of Lucknow, (charger wounded under him); honorably mentioned (Medal with 3 Clasps, Brevet Colonel and C. B.)

Inspector General of Ordnance since 1863.

From Gentleman Cadet, Addiscombe.

2nd Lieutenant, Bengal Artillery	... 11th June 1830.
1st Lieutenant " ...	... 11th Mar. 1839.
Captain, Brevet	... 11th June 1845.
Captain, Bengal Artillery ...	... 7th Jan. 1848.
Major, Brevet	... 22nd Aug. 1855.
Lieutenant Colonel, Brevet ...	... 19th Jan. 1858.
Lieutenant Colonel, Bengal Artillery	... 10th Oct. 1858.
Colonel, Brevet... ...	... 24th Mar. 1858.
Colonel, Royal Artillery ...	... 10th Mar. 1863.

13. *Colonel* JAMES DUNCAN MACPHERSON, C. B., *Bengal Infantry.*

Served in Punjab Campaign as Major of Brigade, 1848-49, at passage of the Chenaub, at battles of Chillianwalla and Goojerat, and subsequent pursuit of the Affghans to Peshawur (Medal with 2 Clasps and Brevet Major); mentioned in Lord Gough's despatch, as Quarter Master General of the Army under Lord Clyde at siege and capture of Lucknow and subsequent operations in Rohilcund and Oude in 1858; mentioned in Lord Clyde's despatches and in Government General Orders, 5th April 1858 and 18th January 1859 (Medal and Clasp for Lucknow and C. B.); was Military Secretary to the Punjab Government for several years, including 1859; Commissary General since March 1864.

Ensign, Bengal Army ...	... 4th Dec. 1828.
Ensign, 1st European Regiment	... 1829.
Ensign, 22nd Native Infantry	... 1829.
Lieutenant " ...	... 26th Nov. 1836.
Captain, Brevet	... 4th Dec. 1843.
Captain, 22nd Native Infantry	... 1st Nov. 1848.
Major, Brevet	... 7th June 1849.
Major, 22nd Native Infantry ..	... 1st Dec. 1855.
Lieutenant Colonel, Brevet ..	... 28th Nov. 1854.
Lieutenant Colonel, 6th European Regt....	4th Aug. 1859.
Lieutenant Colonel, 10th Native Infantry,	19th July 1861.
Colonel, Brevet	... 5th April 1858.

14. *The Hon'ble Colonel* HENRY MARION DURAND, C. B., *Royal Engineers, Member of Council of the Government of India.*

Served at the siege of Ghuznee, and headed the explosion party which blew in the gates of that fortress; Medal; present at the battle of Maharajpore, Bronze Star, also at Chillianwalla and Goojerat; Medal, 2 Clasps and Brevet Major; was present at the capture of Dhar and actions at Mundesore in 1857; Medal, C. B, and Brevet Colonel; has been employed as Private Secretary to the Governor General; as Commissioner Tenasserim Provinces; as Political Agent at Bhopal, as Political Agent at Gwalior; as Officiating Resident of Nagpore; as Officiating Agent to the Governor General for Central India; as Member of the Council of India; as Foreign Secretary to the Government of India, and as Member of the Governor General's Council.

Dates of Commissions.

2nd Lieutenant ...	... 12th June 1828.
Lieutenant	... 20th April 1835.
Brevet Captain	.. 12th June 1843.
Captain	... 30th Nov. 1844.
Brevet Major	... 7th June 1849.
Lieutenant Colonel ...	... 8th June 1856.
Brevet Lieutenant Colonel ...	... 28th Nov. 1854.
Lieutenant Colonel ...	... 13th Aug. 1858.
Brevet Colonel	... 20th July 1858.

15. *Colonel* HENRY TOMBS, C. B., V. C., *Royal (late Bengal) Artillery.*

Present at battles of Punniar; mentioned in despatch (Bronze Star), Moodkee and Ferozeshah, and at Aliwal, as extra Aide-de-Camp to Sir Harry Smith, mentioned in his despatches (Medal and 2 Clasps;) in Punjab Campaign, as Deputy Assistant Quarter Master General of Artillery Division, including affair of Ramnuggur and battles of Chillianwalla and Goojerat; mentioned in despatches (Medal and 2 Clasps and Brevet Major); battles on Hindun River, 30th and 31st May 1857, (2 horses shot under him) and at Budle-ke-Seraie, 8th June (horse shot under him); throughout siege and capture of Delhi; commanded a Column on 17th June, which stormed and took the Edgah (2 horses shot under him and wounded); on 9th July slightly wounded (v. c.); commanded Artillery at Nujuffghur and Horse Artillery at assault of Delhi (wounded); commanded No. 4 Siege Battery Mortars during bombardment of Delhi on 11th, 12th and 13th September; honorably mentioned in despatches and received thanks of Government, Government General Order, 4th December 1857, and of the House of Lords (Medal and Clasp, Brevet Lieutenant Colonel, v. c. and c. B.;) siege and capture of Lucknow; Rohilcund Campaign, including battle of Bareilly; honorably mentioned in despatches of Lord Clyde and Divisional Commander (Clasp and Brevet Colonel); also commanded the Force which re-captured the Fort and position of Dewan Giri (Bhootan) 2nd April 1865.

From Military College, Addiscombe.

2nd Lieutenant, Bengal Artillery	... 11th June 1841.
1st Lieutenant „	... 15th Jan. 1844.
Captain „	... 25th July 1854.
Major, Brevet	... 1st Aug. 1854.
Lieutenant Colonel, Brevet ...	... 19th Jan. 1858.
Lieutenant Colonel, Royal Artillery	... 29th April 1861.
Colonel, Brevet	... 20th July 1858.

16. *Colonel* CHARLES REID, C. B., *Staff Corps, Aide-de-Camp to the Queen.*

Served with 10th Native Infantry in Upper Scinde, 1843; with Sirmoor Battalion as Adjutant and 2nd in Command when it saved Loodianah on 4th January 1846, and in its subsequent defences; with the Battalion at battles of Aliwal and Sobraon; mentioned in despatches of Sir W. Gilbert and Commander-in-Chief (Medal and Clasp); with 10th Native Infantry in Burmah war, 1852-53-54, (Medal and Clasp); commanded Sirmoor Battalion at battle of Budle-ke-Seraie, Bolundshur and throughout siege of Delhi; received on four separate occasions the congratulations and warm thanks of Government, as also of Lord Clyde, Major Generals Bernard, Reed, and Wilson, vide despatches and General Order of 1857; commanded all the posts on right of Delhi Bridge from June to 14th September 1857, during which period sustained and epulsed 26 separate attacks on the positions; commanded Column for attack of Kissungunge, 17th June, and 4th Column of assault on the 14th September 1857; severely wounded (Medal and Clasp, Brevet Lieutenant Colonel, C. B., and Brevet Colonel, and Aide-de-Camp to Queen); also commanded Sirmoor Battalion during Campaign in Oudh in 1858-59.

Ensign, 10th Native Infantry	... 13th June 1835.
Lieutenant „ „ ...	... 3rd Oct. 1840.
Captain, Brevet	... 13th June 1850.
Captain, 10th Native Infantry	... 1st Oct. 1852.
Major, Brevet	... 2nd Oct. 1852.
Lieutenant Colonel ...	... 19th Jan. 1858.
Colonel	... 26th April 1859.
Major Staff Corps	... 18th Feb. 1861.
Lieutenant Colonel ...	... 18th Feb. 1863.

17. *Colonel* JAMES BRIND, C. B., *Royal (late Bengal) Artillery.*

Served as Field Commissary of Ordnance with Army of occupation at Lahore, 1846; commanded Artillery against the Momunds, 1854, and at siege and capture of Delhi in 1857; commanded Flying Column in Mozuffernugger District Artillery with Brigadier General Sir R. Walpole's Field Force, 1858, also under Lord Clyde at capture of Bareilly; commanded Artillery and Light Troops in Brigadier Troup's Column in Oudh, in engagements of Moodipore, Russoolpore, Mithowli, Allygunj, Mahandee, and Bisnar; also a Light Column in pursuit of Ferozeshah and other rebel Chiefs, 1858-59, favorably mentioned in Delhi despatches, thanked by Government, by President in Council, and by Governor General, Government General Order, 1858, and by the Commander-in-Chief (Medal and Clasp, C. B., and Lieutenant Colonel).

Inspector of Artillery, Northern Division, Bengal Presidency, since 1863.

2nd Lieutenant, Bengal Artillery	... 3rd July 1827.
1st Lieutenant „	... 15th Oct. 1833.
Captain, Brevet „	... 3rd July 1842.
Captain „	.. 3rd July 1845.
Major, Brevet „	... 20th June 1854.
Lieutenant Colonel „	... 26th June 1856.
Colonel, Brevet	... 26th April 1859.
Colonel, Bengal Artillery	... 18th Feb. 1861.

18. *Colonel* ALFRED HUYSHE, *Royal (late Bengal) Artillery.*

Served as Brigade Major of Artillery in Gwalior Campaign, 1843-44; present at battle of Moharajpore (Bronze Star); commanded 1st Troop 2nd Brigade Horse Artillery throughout Punjab Campaign, including battles of Ramnugger, Sadoolapore, Chillianwalla, and Goojerat, (Medal and 2 Clasps, and Brevet Majority.)

From Gentleman Cadet, Addiscombe.

2nd Lieutenant	... 13th Dec. 1827.
1st Lieutenant	... 28th Sept. 1835.
Captain, Brevet	... 13th Dec. 1842.
Captain	... 5th Sept. 1845.
Major, Brevet	... 7th June 1849.
Lieutenant Colonel, Brevet ...	... 28th Nov. 1854.
Lieutenant Colonel, Regimental	... 25th Sept. 1857.
Colonel, Brevet	... 30th Dec. 1859.
Colonel, Regimental ...	... 29th April 1861.

Acted as Inspector of Artillery, Southern Division, Bengal, 1863-64; was President of the Commissariat Commission, 1862.

19. *Colonel* SIR HERBERT BENJAMIN EDWARDES, K. C. B., *Bengal Infantry.*

Ensign	26th Sept. 1840.
Lieutenant	10th Nov. 1843.
Major, Local in Punjab	7th Sept. 1848.
Captain	1st Mar. 1850.
Major, Brevet	2nd Mar. 1850.
Lieutenant Colonel, Brevet	28th Nov. 1854.
Major	10th Oct. 1860.
Colonel, Brevet	18th Oct. 1860.
Lieutenant Colonel	3rd Aug. 1862.

Served as Aide-de-Camp to the Commander-in-Chief during 1st Sikh war, 1845-46; at actions of Moodkee (severely wounded) and Sobraon; mentioned in Sir Hugh Gough's despatches, (Medal and 2 Clasps); present at siege of Kote Kangra; raised and commanded an Irregular Force with which, aided by the Troops of the Bhawulpore State, he twice defeated Dewan Moolraj of Mooltan, 1848; received thanks of Governor General (Gold Medal presented by Court of Directors, Local Major, and C. B.); served at the siege of Mooltan and present at battle of Soorujkoond, 1848-49 (Medal and Clasp); in 1857 as Commissioner of Peshawur Division; raised 5,000 men from among the Border Tribes and in Command of Irregular Levies; aided the Military Authorities on the Frontier; mentioned in despatches of Sir John Lawrence and Lord Canning (Medal and Civil K. C. B.); also served as Political Officer against Border Tribes in the Eusufzye Frontier, 1858, (mentioned in despatches of Brigadier Boileau, Sir N. Chamberlain, and Sir Sydney Cotton.)

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20. *Colonel* HENRY FREDERICK DUNSFORD, C. B., *Bengal Infantry.*

Ensign, Bengal Army	13th June 1835.
Ensign, 59th Native Infantry ...	28th June 1836.
Lieutenant, 59th Native Infantry ...	3rd Oct. 1838.
Captain, 59th Native Infantry ...	10th June 1850.
Major, Brevet	11th June 1850.
Major, 59th Native Infantry	1st Jan. 1862.
Lieutenant Colonel, Brevet	28th Nov. 1854.
Lieutenant Colonel, Regimental ...	16th July 1864.
Colonel, Brevet	18th Dec. 1860.

Served as Major of Brigade 7th Brigade 3rd Division Army of Sutlej at battle of Sobraon, (Medal and Brevet Majority); services acknowledge in Lord Gough's despatch; commanded Puttialla and Jheend Rajahs' Troops at siege of Delhi, 1857; present at assault and capture; mentioned in General Wilson's despatch (Medal, Clasp, and C. B.), commanded Buxar Column in Shahabad District, 1858; at capture of entrenched position of Bushapore and subsequent capture of Jugdispore (severely wounded); mentioned in Brigadier General Douglas's despatch; commanded Jynteah Field Force against rebels in Jynteah and Cossyah Hills, 1862-63; at capture of stockades of Ralleang and Munsoo and those of Oomkai, Nungbarai, and Singtung (received thanks and approval of the Commander-in-Chief, the Governor General, and the Secretary of State for India); commanded Left Column Dooar Field Force at storm and capture of Fort Dalimkote and stockades of Chamurchi (congratulations and commendations of the Commander-in-Chief.)

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21. *Colonel* CRAWFORD TROTTER CHAMBERLAIN, *Staff Corps.*

Cadet	12th Dec. 1837.
Ensign	20th Mar. 1838.
Lieutenant...	26th Mar. 1840.
Captain	1st May 1852.
Major, Brevet	2nd May 1852.
Major	30th June 1861.
Lieutenant Colonel, Brevet	19th Jan. 1858.
Lieutenant Colonel, Staff Corps ...	12th Dec. 1863.
Colonel, Brevet	14th April 1862.

Served throughout the Affghanistan war, 1839-40-41-42, with 16th Native Infantry at siege of "Ghuznee" (Medal), with Shah Shoojah's 1st Cavalry in defence of Candahar (Medal), including actions of Killa-a-Shah Bahawallee, &c., &c., (horse severely wounded), with 9th Irregular Cavalry in Punjab war, 1848-49, at battle of Chillianwallah (Medal); wounded in an engagement with Sikh Cavalry and received thanks of Commander-in-Chief; present at battle of Goojerat (Clasp); mentioned in Brigadier Hearsey's despatch; with Sir Walter Gilbert's Column in pursuit of Sikhs to Rawul Pindee (Brevet Majority); commanded Mooltan Moveable Column in suppression of Gogairah rebellion; took the field at first with 100 sabres, 1st Bengal Cavalry, and was besieged at Chuchawatnee until relieved by Lahore and Mooltan Columns; pursued Tantia Topee into Bhutteeana from Ferozepore (received acknowledgments of Government and Secretary of State.)

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22. *Colonel* HARRY BURNETT LUMSDEN, C. B., *Staff Corps.*

Ensign	1st Mar. 1838.
Ensign, 59th Native Infantry ...	3rd Dec. 1838.
Lieutenant	16th July 1842.
Captain, Brevet	1st Mar. 1853.
Captain, 59th Native Infantry ...	5th Feb. 1854.
Major, Brevet	6th Feb. 1854.
Major, Staff Corps	18th Feb. 1861.
Lieutenant Colonel, Brevet	15th May 1858.
Lieutenant Colonel, Staff Corps ..	1st Mar. 1864.
Colonel, Brevet	15th June 1862.

Served as Officiating Interpreter and Quarter Master, 33rd Native Infantry, in Affghanistan, 1842; present at forcing of Khyber Pass, operations in the Mazima and Sungao Khall Valleys, battle of Tazeen, forcing the Jugdullock Pass, and re-capture of Cabool (Medal); as Interpreter and Quarter Master with 59th Native Infantry at battle of Sobraon, 10th February 1846, severely wounded (Medal); with a Sikh Brigade at forcing of Dooab Pass and affair at Ballakote; commanded Corps of Guides at siege of Mooltan 1849, (thanked by Government); present at battle of Goojerat, 1849, and mentioned in Lord Gough's despatch (Medal, 2 Clasps, and Brevet Majority); commanded Guide Corps in 16 affairs with Hill Tribes on Peshawur Frontier, including atttack on Baboozee, Pallie Zoomunder, and Sherkhanie, 1847, and Suggan and Moora, 1850; Sir Colin Campbell's affairs

of Dubb Nawadhund, Promghur and Iskakote, 1852; mentioned in despatches and in letter from Governor General and Court of Directors with Brigadier General Chamberlain's expedition against the Cabool Khail and Masood Wuzeerees, 1859-60, and commanded left attack at forcing of Burwara Pass, as well as at Camp Paloseer when a heavy night attack was repulsed (mentioned in despatch.)

Has commanded the Hyderabad Contingent since 1862, and conducted a mission to Candahar, 1857-58.

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23. *Colonel* RICHARD STRACHEY, *Royal (late Bengal) Engineers.*

2nd Lieutenant	10th June 1836.
1st Lieutenant	24th Feb. 1841.
Captain, Brevet	10th June 1851.
Captain	15th Feb. 1854.
Major, Brevet	16th Feb. 1854.
Lieutenant Colonel	2nd July 1860.
Colonel	31st Dec. 1862.

Served as Field Engineer during Sutlej Campaign at Aliwal and Sobraon (Medal, Clasp and Brevet Majority.)

Was Secretary to Government, Central Provinces, 1857-58, and Secretary to the Government of India, Public Works Department, from March 1862 to March 1865.

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24. *Colonel* EDWIN BEAUMONT JOHNSON, C. B., *Royal (late Bengal) Artillery.*

2nd Lieutenant, Bengal Artillery ...	10th June 1842.
1st " " " ...	3rd July 1845.
Captain, Brevet	10th June 1857.
Captain, Bengal Artillery ...	25th June 1857.
Major, Brevet	5th July 1857.
Lieutenant Colonel, Brevet ...	19th Jan. 1858.
Colonel, Brevet	19th Jan. 1863.
Lieutenant Colonel, Royal Artillery ...	24th Mar. 1865.

Served in Sutlej Campaign 1845-46, at battles of Ferozeshah and Sobraon (Medal and Clasp); as Deputy Judge Advocate General at Head Quarters in Army of Punjab, 1848-49; present at affair at Ramnuggur, and at battles of Chillianwalla and Goozerat; mentioned in Lord Gough's despatches (Medal, 2 Clasps and Brevet Majority); accompanied as Deputy Judge Advocate General Sir W. Gilbert's Force in pursuit of Sikhs and Affghans; served in the Indian Mutiny Campaign, 1857-58, as Assistant Adjutant General, Artillery, and Staff Officer of the Force under Brigadier A. Wilson at actions of Hindun (slightly wounded), battle of Budle-ke-Serai, and throughout the siege of Delhi till its final capture (mentioned in General Wilson's despatch, and in General Order by the Governor General, 5th November 1857); also in the same capacity at siege and capture of Lucknow under Lord Clyde, favorably reported by Sir A. Wilson, and mentioned in Commander-in-Chief's despatch (Medal, 2 Clasps, Brevet Lieutenant Colonel and C. B.)

Acted as Adjutant General of the Army in Bengal from January 1862 to March 1863.

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25. *Colonel* DONALD MARTIN STEWART, *Staff Corps.*

Ensign, unposted	12th Oct. 1840.
Ensign, 9th Native Infantry ...	5th Mar. 1141.
Lieutenant, 9th Native Infantry ...	3rd Jan. 1844.
Captain	1st June 1854.
Major, Brevet	19th Jan. 1858.
Major, Staff Corps	18th Feb. 1861.
Lieutenant Colonel, Brevet ...	20th July 1858.
Colonel	20th July 1863.

Served against the Hill Tribes on Peshawur Frontier, 1854-55; commanded the Volunteers serving in Allygurh District, May and June 1857; all communication with Upper Provinces having been cut off, volunteered to carry despatches from Government North-Western Provinces to the Officer Commanding the Troops before Delhi; served as Deputy Assistant Adjutant General, Delhi Field Force, throughout the siege; received thanks of the Provincial Commander-in-Chief in General Order published in Government Order No. 1529 of 1857, and mentioned in Sir A. Wilson's despatch, Government General Order No. 1383 of 1857 (Brevet Majority); as Assistant Adjutant General of the Army at siege and capture of Lucknow (Medal and Clasp and Brevet Lieutenant Colonelcy); in the same capacity throughout operations in Rohilcund, 1858, (mentioned in despatches of Commander-in-Chief, Government General Order No. 146 of 1858); has been Deputy Adjutant General since 1862.

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26. *Colonel* HENRY WYLIE NORMAN, C. B., *Staff Corps, Aide-de-Camp to the Queen.*

Ensign, Bengal Infantry ...	1st Mar. 1844.
Ensign, 31st Native Infantry ...	13th Feb. 1845.
Lieutenant " ...	25th Dec. 1847.
Captain, Brevet	1st Mar. 1859.
Lieutenant Colonel, Local in India...	18th July 1859.
Captain, 31st Native Infantry ...	2nd Dec. 1860.
Major, Brevet	3rd Dec. 1860.
Major, Staff Corps	1st Mar. 1864.
Lieutenant Colonel, Brevet ...	4th Dec. 1860.
Colonel, Brevet	8th Sept. 1863.

Served as Adjutant 31st Native Infantry throughout Punjab Campaign, 1848-49; at passage of Chenab, action at Sadoolapore, battles of Chillianwalla and Goojerat, and subsequent pursuit of Sikhs and Affghans to Peshawur (Medal and 2 Clasps); as Brigade Major to the whole of the Troops engaged in the Kohat Pass under Sir Charles Napier and Sir Colin Campbell, February 1850, as Brigade Major or Assistant Adjutant General in various expeditions against the Afreedees, Momunds, Swatees and other Hill Tribes on Peshawur Frontier, 1851-52-53-54; commanded a detachment against Sonthals, 1855-56; Assistant Adjutant General at Head Quarters, May 1857, and in the field from that time until June 1858; present throughout the siege of Delhi; succeeding to the charge of the Adjutant General's Department on Colonel Chester being killed, from 8th June until arrival of Brigadier General Chamberlain on 24th idem, and again succeeding to the charge on the 14th July,

on latter Officer being severely wounded, until Delhi fell; as Assistant Adjutant General accompanied Moveable Column from Delhi, 24th September 1857, and was present at various engagements at Boolundshuhur, Allygurh, Agra, &c., and at the affair of Morigunge in Oude, 30th October 1857; took charge of Adjutant General's Department under Sir Colin Campbell, 9th November 1857, and continued in that capacity in the field to the end of the War; present at affair near Alumbaugh, 12th November, in the advance on, and all operations connected with the relief of Lucknow, 14th to 25th November 1857 (horse shot), relief of Cawnpore, defeat of the Gwalior Contingent, action near Futtegurh, siege and capture of Lucknow, March 1858; Rohilcund Campaign, April and May 1858, (wounded at Bareilly); Oude Campaign in cold season, 1858-59, including affairs of Domadea Khera, Burgadia Musjiddia, and Raptee (Medal and three Clasps, and C. B.); acted as Adjutant General from April to November 1859; Secretary to Government, Military Department since January 1862.

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27. *Colonel* ALEXANDER TAYLOR, C. B., *Royal (late Bengal) Engineers.*

2nd Lieutenant	9th June 1843.
1st Lieutenant	19th Nov. 1847.
1st Captain	16th May 1857.
Major, Brevet	19th Jan. 1858.
Lietenant Colonel, Brevet ...	20th July 1858.
Lieutenant Colonel	1st Sept. 1863.
Colonel	31st Mar. 1864.

Served during the Sutlej Campaign, 1845-46, Medal and Clasps; at siege of Mooltan; in charge Engineer Park (wounded) at battle of Goojerat and subsequent pursuit of Sikhs and Affghans to Peshawur (Medal and Clasp); at siege of Delhi (Brevet Major); present at actions of Futtehpore, Sekree, Mynpoorie and Puttiallee; commanded Bengal Engineers at capture of Lucknow in 1858, severely wounded—(Brevet Lieutenant Colonel and C. B.); and the Royal Engineers in the Hill Campaign at Umbeyla in 1863 (Brevet Colonel); mentioned in several despatches and received thanks of Government.

MADRAS.

1. *Major General* PHILLIP ANSTRUTHER, C. B., *Artillery—(Retired.)*

2nd Lieutenant, Madras Artillery...	17th June 1824.
1st Lieutenant " ...	19th June 1824.
Captain, Brevet	17th June 1839.
Captain, Madras Artillery ...	10th Nov. 1839.
Major, Brevet	26th May 1841.
Lieutenant Colonel, Brevet ...	11th Nov. 1851.
Major, Madras Artillery ...	12th Aug. 1853.
Colonel, Brevet	28th Nov. 1854.
Lieutenant Colonel, Madras Artillery	31st Dec. 1857.
Retired	4th Nov. 1858.

Served with expedition to China from 13th April 1840 to 1843 (Medal, Companion of the Bath); at capture of Chusan in 1840, Canton, Amoy, Chusan, Chinhae, Ningpo, Tsekee, Chapoo, Woosung, Shanghae, Ching-keang-foo, Nankin; a prisoner of war with the Chinese from 16th September 1840 till 24th February 1841; Punjab Campaign 1848-49, (Medal with two Clasps), at battles of Chillianwalla and Goojerat. Burmese war 1852, to cessation of hostilities, (Medal.)

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2. *Major General* THOMAS TOWNSEND PEARS, C. B., *Engineers—(Retired.)*

2nd Lieutenant, Madras Engineers	16th June 1825.
1st Lieutenant " ...	17th June 1825.
Captain " ...	15th Sept. 1838.
Major, Brevet	23rd Dec. 1842.
Lieutenant Colonel, Brevet ...	20th June 1854.
Major, Madras Engineers ...	1st Aug. 1854.
Colonel, Brevet	10th Feb. 1856.
Lieutenant Colonel, Madras Engrs.	11th May 1858.
Retired	8th Feb. 1861.

Served in Kurnool Campaign in 1839; at action at Zorapore; with expedition to China from 13th April 1840 to close of War (Medal, Companion of the Bath); at capture of Chusan, Chinhae, Ningpo, Yuyao, Tsekee, Chapoo, Woosung, Shanghae, Ching-keang-foo, and Nankin.

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3. *Major General* WILLIAM HENRY MILLER, C. B., *Artillery—(Retired.)*

2nd Lieutenant, Madras Artillery ...	18th Dec. 1823.
1st Lieutenant " ...	1st May 1824.
Captain " ...	27th Nov. 1838.
Major " ...	15th May 1851.
Lieutenant Colonel, Brevet ...	28th Nov. 1854.
" Madras Artillery ...	7th June 1856.
Colonel, Brevet ...	26th April 1859.
Invalided	21st April 1860.
Retired	7th Jan. 1862.

Served with Force under Lieutenant Colonel Evans, C. B., against insurgents in Nugger, Province of Mysore, in April, May and June 1831; with Saugor Field Division under Major General Sir G. C. Whitlock, K. C. B., 1857-58; (Medal, Companion of the Bath); at battle of Banda (severely wounded, necessitating amputation of right arm.)

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4. *Major General* GEORGE BALFOUR, C. B., *Royal (Madras) Artillery.*

2nd Lieutenant, Madras Artillery ...	16th Dec. 1825.
1st Lieutenant " ...	12th June 1827.
Captain, Brevet	16th Dec. 1840.
Captain, Madras Artillery ...	26th Mar. 1844.
Major, Brevet	27th Mar. 1844.
Lieutenant Colonel, Brevet ...	20th June 1854.
Major, Madras Artillery	31st Dec. 1854.
Colonel, Brevet	9th April 1856.
Lieutenant Colonel, Madras Artillery,	27th Aug. 1858.
Colonel, Royal (Madras) Artillery ...	18th Feb. 1861.
Major General...	13th June 1865.

Served with Malacca Field Force, 1832-33; in Kurnool campaign in 1839; at action at Zorapore; with expedition to China, 1840 to 1843 (Medal). Capture of Chusan in 1840, Canton, Amoy, Chusan, Chin-hae, Ningpoo, Chapoo, Woosung, Shanghae, Ching-keang-foo, Nankin, Yangtse-Keang River, Tsekee and Segoan (Civil Companion of the Bath, 12th June 1854.)

5. *Colonel* EDWARD BRICE, C. B., *Royal (Madras) Artillery.*

2nd Lieutenant, Madras Artillery ...	16th June 1826.
1st Lieutenant " ...	25th Feb. 1828.
Captain, Brevet	16th June 1841.
Captain, Madras Artillery ..	3rd July 1845.
Major, Brevet	20th June 1854.
Lieutenant Colonel, Brevet ..	20th July 1858.
Lieutenant Colonel, Madras Artillery .	5th Nov. 1858.
Colonel, Royal (Madras) Artillery ..	25th Sept. 1861.

Served with expedition to Coorg in 1834; at affair at crossing the river Ramasamy, Kannaway, Beebaby, Hunninghy; with Saugor Field Division under Major General Sir G. C. Whitlock, K. C. B., (Medal, Companion of the Bath) at Kubrai, and battle of Banda.

6. *Colonel* WILLIAM ADAM ORR, C. B., *Royal (Madras) Artillery.*

2nd Lieutenant, Madras Artillery ..	15th Dec. 1826.
1st Lieutenant " ...	1st Sept. 1831.
Captain, Brevet	15th Dec. 1841.
Captain, Madras Artillery ...	13th July 1845.
Major, Brevet	20th June 1854.
Lieutenant Colonel, Brevet ...	24th Mar. 1858.
Lieutenant Colonel, Madras Artillery ...	24th Feb. 1859.
Colonel, Brevet	4th Mar. 1862.
Colonel, Royal (Madras) Artillery ...	9th June 1862.

Served with His Highness the Nizam's Troops in 1847; at capture of Fort of Candahar with Hingoolee Force against Rohillas in 1849; at affair at Gourie (wounded); commanded Field Force Hyderabad Contingent in 1857; acted against insurgent Sepoys towards Central India; campaign in Malwa; capture of Pepliah, Rawal; battle of Mundissoore; campaign in Central India under Sir H. Rose, G. C. B., (Medal, Companion of the Bath) Mudenpore, Tal Behut, battle of Betwa, storming of Jhansie, Kalpee, Koonch, Gallowlee, Bilawah and Gwalior.

7. *Colonel* ALFRED THOMAS WILDE, C. B., *Staff Corps, Aide-de-Camp to the Queen.*

Ensign, 19th Regiment Native Infy. ..	12th Dec. 1838.
Lieutenant " " ...	9th July 1842.
Captain, Brevet	12th Dec. 1853.
Captain, 19th Regiment Native Infantry	23rd Nov. 1856.
Major; Brevet	19th Jan. 1858.
Lieutenant Colonel, Brevet ...	20th July 1858.
Major Staff Corps	18th Feb. 1861.
Colonel, Brevet	20th July 1863.
Lieutenant Colonel, Staff Corps ...	12th Dec. 1864.

Served with 19th Regiment Native Infantry in disturbances in Malabar in 1843; commanded 4th Punjab Infantry at occupation of Bahadoor Kail Valley, 1851. Expedition against Beydar Beloochees, 1857. Suppression of Mutiny 1857-58, (Medal with two Clasps, Companion of the Bath), at storming of Delhi; storm and capture of Magazine and Palace, Delhi, Gunguole, Puttealee, Mynporee, Shumshabad; siege of Lucknow, storm of Begum's Palace, attack on Goal Musjid (severely wounded); expedition against Mysood Wuzeeries in 1860.

8. *Colonel* MICHAEL GALWEY, C. B., *Infantry.*

Ensign, 1st Madras Fusiliers ...	11th Dec. 1835.
Lieutenant "	6th Sept. 1836.
Captain "	4th June 1847.
Major "	21st Nov. 1857.
Lieutenant Colonel, Brevet ...	24th Mar. 1858
Lieutenant Colonel, 1st Madras Fusiliers	31st Dec. 1861.
Colonel, Brevet	9th May 1863.

Served with Force in Burmah 1852 (Medal); suppression of Mutiny, 1857-58, (Medal with two Clasps, Companion of the Bath); with General Havelock's Force at Futtypoor, Avung, Pando Nuddee, Cawnpoor, Onas, Busseratgunge, 1st and 2nd Burrakee, Chawkee, Bithoor, Mungawn, Alumbaugh, Lucknow, defence of Residency and position of Alumbaugh (slightly wounded), capture of Lucknow; campaign in Oude under Sir Hope Grant, G. C. B.

9. *Lieutenant Colonel* LOUSADA BARROW, C. B., *Staff Corps.*

Cornet, 5th Regiment Light Cavalry...	10th April 1836.
Lieutenant " " ...	24th Nov. 1839.
Captain " " ...	8th May 1849.
Major, Brevet	24th Mar. 1858.
Lieutenant Colonel, Brevet ...	26th April 1859.
Major, Staff Corps	18th Feb. 1861.
Lieutenant Colonel, Staff Corps ...	18th Feb. 1863.

Served in Southern Mahratta country, 1844-45; commanded Squadron of Volunteer Cavalry under Sir H. Havelock at battle of Futtypoor, Avung, Pando Nuddee, Cawnpore, Bithoor, and capture of 19 Guns, Onas, Busseratgunge, Bithoor, Mungarwarrah, Alumbaugh, entrance into Lucknow, defence of Lucknow Guillee, position of Alumbaugh, four actions under Sir J. Outram, and many minor skirmishes, Lucknow, (Medal, Companion of the Bath.)

10. *Lieutenant Colonel* ANDREW WILLIAM MACINTIRE, C. B., *Royal (Madras) Artillery.*

2nd Lieutenant, Madras Artillery ...	9th June 1831.
1st Lieutenant " ...	8th June 1840.
Captain, Brevet	9th June 1846.
Captain, Madras Artillery ...	11th May 1854.
Major, Brevet	20th July 1858.
Lieutenant Colonel, Royal (Madras) Artillery	18th Feb. 1861.

Served with first expedition to China (Medal), Woosung, Shanghae, Chingkeang-foo, Nankin; commanded Detachment Nizam's Cavalry in Goomsoor in 1847; siege of Dhorsor, Fort of Raimon and numerous affairs against Rohillas, in 1851-52, at Sailoor, (horse cut down under him)—with Kamptee Moveable Column in suppression of Mutiny in 1857-58, (Medal, Companion of the Bath), forcing of Konah Pass in Nursapore District in 1858, crossed Bhopal Frontier and seized a noted rebel with his followers and horses;

repulsed a large body of rebels at Salawabad on Great Deccan Road, Jeeghan, Kubrae, battle of Banda, relief of Kirwee, attack on Rada Govindoo's Army on heights of Punwarrie and Duddree.

11. *Major General* DAVID BABINGTON, *Infantry.*

Ensign, 1st Battalion 1st Regiment Native Infantry ...	13th Feb. 1821.
Lieutenant, 17th Regiment N. Infy. ...	20th June 1824.
Captain " " ...	17th Nov. 1835.
Major " " ...	13th Oct. 1845.
Lieutenant Colonel " " ...	15th Nov. 1853.
Colonel, Brevet	28th Nov. 1854.
Major General	17th Aug. 1864.

Served with Goomsoor Field Force, and with Field Force against Goolburgah in 1848.

12. *Colonel* WILLIAM PITT MACDONALD, *Staff Corps.*

Ensign, 1st Battalion 21st Regiment Native Infantry	6th April 1820.
Lieutenant, ditto	10th Jan. 1822.
Captain, 41st Regt. Native Infantry ...	9th Nov. 1831.
Major, Brevet	9th Nov. 1846.
Major, 41st Regiment Native Infy. ...	6th Oct. 1851.
Lieutenant Colonel, Brevet ...	20th June 1854.
Colonel, Brevet ...	4th Mar. 1858.
Lieut. Col., 41st Regt. Native Infy. ...	31st Mar. 1858.

Served in Kimmedy, 1832-33; at Goomsoor and Canara; with expedition to China, 1842 to 1844; (Medal), at storming of Ching-keang-foo.

13. * * * * * * * * * * * * * * * *

BOMBAY.

1. *Major General* JOHN HOBSON, *Bombay Infantry.*

Ensign	1st March 1820.
Lieutenant	15th June 1820.
Captain	15th Sept. 1835.
Major, Brevet	9th Nov. 1846.
Major	3rd June 1852.
Lieutenant Colonel, Brevet ...	7th June 1849.
Colonel, Brevet	28th Nov. 1854.
Lieutenant Colonel	18th May 1858.
Major General	2nd Sept. 1861.

Served in the Persian Gulf in 1821; present at the night attack of the Arabs on the camp at Zoor, and in the action before Beni-boo Ali; with the Force sent against Kolapore in 1826-27; with the expedition in the vicinity of Aden in 1841, and at the attack on the Arab posts; with the Bombay Column Army of the Punjaub in 1848-49; present at the siege and surrender of Mooltan; Medal and Clasp.

Commanded a Brigade from 28th September 1856 to 2nd September 1861; is at present unemployed.

2. *Major General* SIR ROBERT WILLIAM HONNER, K. C. B., *Bombay Infantry.*

Ensign	11th Feb. 1821.
Lieutenant	1st May 1824.
Captain	11th Feb. 1836.
Major, Brevet	9th Nov. 1846.
Major	24th Aug. 1850.
Lieutenant Colonel, Brevet ...	9th Oct. 1848.
Colonel, Brevet	28th Nov. 1854.
Lieutenant Colonel	5th Sept. 1855.
Major General	17th Sept. 1861.

Served in the Mahee Kanta against the Bheels in 1823, at the attack and burning of the village of Teechao and on the Runn of Kutch against the Khosas and Meeanas; with the Field Force in 1824 in the Meena Hills, near the Joudpore territory, at the forcing of the Talietta Pass and the skirmish at Roveera; in various skirmishes in that year with the Meeanas, Bheels, Grassias, Koolees, and other predatory tribes; at the attack and capture of the Fort of Limbuj; with the Bombay Column Army of the Punjaub in 1848-49; at the siege and surrender of Mooltan, including the attack of the suburbs, storm of the city-breach, and capture of the town (Medal and Clasp); with the Persian Expeditionary Force in 1856-57 as Brigadier; at the taking of the islands of Karrack and Corgo; commanded the advance division at the landing at Hallilah Bay, at the assault and capture of Fort Reshire and surrender of Bushire; at Borazjoon (slightly wounded); commanded the rear guard on return to Bushire from Borazjoon, and present at the battle of Kooshab; Medal and Clasp.

Commanded the Rajpootana Field Force at the battle of Kooshana, and in pursuit of the rebels under Rao Saheb, Feroze Shah, and Tantia Topee; commanded a Brigade from 6th March 1858 to 15th January 1862; was resident at Aden from 4th February 1862 to 26th March 1863; has commanded the Sind Division since 28th March 1863.

3. *Colonel* JOHN LIDDELL, C. B., *Infantry.*

Ensign	21st Feb. 1821.
Lieutenant	13th Nov. 1821.
Captain	21st Feb. 1833.
Major, Brevet	9th Nov. 1846.
Major	15th Nov. 1853.
Lieutenant Colonel, Brevet ...	20th June 1854.
Colonel, Brevet	20th June 1857.
Lieutenant Colonel	20th July 1858.

Served with the Field Brigade in the Mahee Kanta in 1821-22; against the Bheels in Khandeish in 1824-25 (received the thanks of Government), and with his Regiment in Malabar and Canara during the insurrection in 1837; proceeded to the Persian Gulf as Staff Officer to the expedition in 1838-39; served with the Central India Field Force in 1858, in command of the 3rd Bombay European Regiment in the battles, at the siege and capture of Ratghur, action of Baroda, relief of Saugor, capture of Garrakota, action at the pass of Muddenpoor; commanded the right attack throughout the siege and at the storm of Jhansie; commanded the 2nd Brigade Gwalior Division, and afterwards a Field Force in Bundlekhund, from July 1858 to April 1859, in operations against the rebels; Companion of the Bath.

Commanded a Brigade from 10th December 1861 to 26th March 1863.

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4. *Brigadier General* THOMAS TAPP, C. B., 103*rd Foot.*

Ensign	1st Jan. 1822.
Lieutenant	21st April 1824.
Captain	17th Aug. 1840.
Major, Brevet	7th June 1849.
Major	18th May 1858.
Lieutenant Colonel, Brevet ...	28th Nov. 1854.
Colonel, Brevet	28th Nov. 1857.
Lieutenant Colonel	1st Jan. 1862.

Served with the 1st Bombay European Regiment (Fusiliers) in the expedition in the vicinity of Aden in 1841, and at the attack on the Arab posts; on the Staff as Deputy Assistant Adjutant General, with the Bombay Column Army of the Punjaub in 1848-49; at the siege and surrender of Mooltan; severely wounded at the storming of the city (Medal and Clasps); served with the Persian expedition in 1856-57, in command of the Poona Irregular Horse and the Cavalry Brigade at the landing at Hallilah Bay, the assault of Reshire, capitulation of Bushire, expedition to Borazjoon, battle of Khooshab (Medal and C. B.); commanded Cavalry and Artillery Force which destroyed the Persian Magazines at Chakote on 1st January 1857; Medal and Clasp, Aide-de-Camp to the Queen.

Has commanded a Brigade since 28th February 1863.

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5. *Colonel* PHILIP KEARNEY MCGREGOR SKINNER, *Bombay Staff Corps.*

Ensign	30th Dec. 1824.
Lieutenant	27th Aug. 1831.
Captain	1st Nov. 1839.
Major, Brevet	7th June 1849.
Major	18th May 1852.
Lieutenant Colonel, Brevet ...	28th Nov. 1854.
Colonel, Brevet	28th Nov. 1857.
Lieutenant Colonel	25th April 1858.

Served in command of a Detachment of the Poona Auxiliary Horse, with a Field Force in the Mahee Kanta, Edur Districts, in the latter part of 1835 and commencement of 1836; also on the Staff with the Bombay Column of the Army of the Punjaub in 1848-49, at the siege of Mooltan, battle of Goojerat, and pursuit and surrender of the Sikh Army; Medal and two Clasps.

Has been Judge Advocate General, Bombay Army, since 25th June 1851.

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6. *Brigadier General* JOHN COUSSMAKER HEATH, *Infantry.*

Ensign	28th May 1825.
Lieutenant	30th Oct. 1827.
Captain	28th June 1838.
Major	25th Feb. 1851.
Lieutenant Colonel, Brevet ...	28th Nov. 1854.
Lieutenant Colonel	25th May 1857.
Colonel, Brevet	28th Nov 1857.

Served in Upper Sind in 1839-40; commanded a Detachment at Dadur when attacked on two occasions by Nusseer Khan, Chief of Khelat.

Has commanded a Brigade since 30th November 1860.

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7. *Brigadier General* CHRISTOPHER BIRDWOOD, *Infantry.*

Ensign	3rd May 1825.
Lieutenant	3rd Aug. 1827.
Captain	17th July 1837.
Major, Brevet...	11th Nov. 1851.
Major	3rd Oct. 1854.
Lieutenant Colonel, Brevet... ...	9th April 1856.
Lieutenant Colonel	2nd Dec. 1858.
Colonel, Brevet	9th April 1861.

Has no war services. Served in the Commissariat for many years, and was specially employed in that Department during the mutinies in 1857-58.

8. *Lieutenant Colonel* THOMAS STOCK, *Bombay Staff Corps.*

Served against the Koolees in the Mahee Kanta, and the Bheels in the vicinity of Doongurpore in 1830; commanded a Detachment of the 23rd Regiment which took part in the attack and capture of the village of Kurraul and the release of the Thakoor; with expedition to Mangalore and Canara in 1837; and in Upper and Lower Sind from 1839 to 1841.

Ensign	30th Nov. 1826.
Lieutenant	26th Nov. 1827.
Captain	30th Nov. 1841.
Major, Brevet	20th June 1854.
Major	2nd Jan. 1859.
Lieutenant Colonel	18th Feb. 1861.

Was Deputy Adjutant General, Bombay Army, from 15th September 1856 to 13th March 1860; Acting Adjutant General from 14th March to 17th December 1860, and Adjutant General from 18th December 1860 to present date.

9. *Lieutenant Colonel* ROBERT WALLACE, *Bombay Staff Corps.*

Served with a party of the Guicowar's Irregular Horse in the Mahee Kanta, and was present at the attack on the town of Runseepoor in 1837; acted as Aide-de-Camp to Lieutenant Colonel Marshall in the action with the Army under Nusseer Khan at Kotra, Upper Sind, 1841.

Ensign	3rd Jan. 1828.
Lieutenant	18th Jan. 1833.
Captain	3rd Jan. 1843.
Major, Brevet	20th June 1854.
Major	1st Jan. 1862.
Lieutenant Colonel, Brevet	18th Feb. 1861.
Lieutenant Colonel	18th Feb. 1863.

Has been long in Political employ; Resident at Baroda since 19th July 1859.

10. *Lieutenant Colonel* ROBERT JAMES SHAW, *Bombay Staff Corps.*

Served at the taking of Aden in 1839; present as a Volunteer at the attack on the town of Kujjuck, in Upper Sind, in 1841; severely wounded in a personal encounter before the gate of the Palace; on the Staff Bombay Column Army of the Punjab in 1848-49; present at the siege and surrender of Mooltan, battle of Goojerat, and pursuit and surrender of the Sikh Army; Medal and two Clasps.

Ensign	5th Jan. 1828.
Lieutenant	26th April 1836.
Captain	5th Jan. 1843.
Major, Brevet	20th June 1854.
Major	1st Jan. 1862.
Lieutenant Colonel, Brevet	18th Feb. 1861.
Lieutenant Colonel	18th Feb. 1863.

Has been employed in the Commissariat Department for many years.

No. 257 *of* 1866.—Captain W. D. Hogg, of the Bengal Staff Corps, is allowed an extension of leave to the 17th February 1866, the date on which he reported his return to Bengal from sick leave to Europe.

No. 258 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Army Commissariat Department.

Captain W. D. Hogg, of the Bengal Staff Corps, to officiate as Sub-Assistant Commissary General, 2nd Class, vice Captain H. R. Bradford, proceeding to Europe.

The 14*th March* 1866.

No. 259 *of* 1866.—*Erratum.*—In Government General Order No. 105 of the 31st January 1866, for Subadar Major Shiek Madar, of the "22nd Regiment Madras Native Infantry," read Subadar Major Sheik Madar, of the 29*th Regiment Madras Native Infantry.*

Order Books to be corrected accordingly.

No. 260 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Colonel J. E. Goodwyn, C. B., of Her Majesty's 41st Foot, to the Brigade Staff of the Army, with the rank of Brigadier General, in succession to Brigadier General A. C. Errington, who is permitted at his own request to resign his appointment on the Brigade Staff from the 23rd instant.

No. 261 *of* 1866.—Captain (Brevet Major) M. J. White, of the late 26th Regiment Native Infantry, Officiating 2nd in Command and Wing Officer, 21st (Punjab) Regiment Native Infantry, is allowed leave of absence for one month from the 15th instant, to visit Madras on urgent private affairs, under the old Rules.

The 15*th March* 1866.

No. 262 *of* 1866.—The following promotions are made in the under-mentioned Corps of the Native Army:—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
21st (Punjab) Regt. Native Infantry.	Havildar Bundoo Khan	Jemadar ...	3rd Dec. 1865 ..	Ditta Khan, deceased.
41st (The Gwalior) Regt. Native Infantry.	Jemadar Pursotum	Subadar ...	1st Feb. 1866 ...	Suddurooddeen, invalided.
	Havildar Gobhurdhun Sing ...	Jemadar ...	Ditto ...	Pursotum, promoted.

No. 263 *of* 1866.—The admission to the Bengal Staff Corps of Lieutenant A. W. C. Read, 51st (King's own) Light Infantry, Wing Officer, 5th Punjab Infantry, notified in Government General Order No. 912 of the 5th October 1865, is to be held to have effect from the 19th February 1861, instead of the date previously assigned, and to have been in the rank of Lieutenant.

No. 264 *of* 1866.—With reference to Government General Order No. 213 of the 5th instant, paragraph 4, the promotion of Surgeon Joseph Ewart, M. D., is ante-dated to the 19th July 1865.

No. 265 *of* 1866.—The following promotions are made, subject to Her Majesty's approval :—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
Cadre of the late 67th Native Infy.	Lieutenant (Brevet Captain) Henry Loftus Alexander Tottenham ...	Captain ...	4th March 1866	Captain B. H. Smith, deceased.
Cadre of the late 54th Native Infy.	Lieutenant Edward Daniel Hamilton Vibart	Ditto ...	10th March 1866	Captain J. A. Vanrenen, retired.

No. 266 *of* 1866.—The following temporary promotion is made :—

Army Commissariat Department.

Sergeant John Meighan to act as Sub-Conductor with effect from 18th January 1866, in room of Acting Sub-Conductor W. Adams, proceeded on sick certificate to Europe, and until further orders.

No. 267 *of* 1866.—The under-mentioned Warrant Officer is permitted to proceed to Europe on urgent private affairs :—

Assistant Apothecary J. A. Perdrian, of the Subordinate Medical Department. } For 6 months, without pay.

No. 268 *of* 1866.—The following orders issued by the Government of Bombay are confirmed :—

Granting leave of absence to Europe on medical certificate to the under-mentioned Officers :—

No. 141, *dated* 28*th February* 1866.—Captain Charles Vernon Jenkins, of the Bengal Staff Corps, 1st Class Assistant Commissioner, Punjab. } For 20 months.

No. 144, *dated* 1*st March* 1866.—Captain Henry Brabazon Urmston, of the Bengal Staff Corps, Deputy Commissioner, Punjab. } For 20 months.

No. 269 *of* 1866.—The under-mentioned Officers have reported their departure on the dates specified opposite to their respective names :—

Captain C. V. Jenkins, of the Bengal Staff Corps, 1st Class Assistant Commissioner, Punjab, on leave for twenty months, Government General Order No. 268 of 15th March 1866. } "Northam," 2nd March 1866, from Bombay.

Captain H. B. Urmston, of the Bengal Staff Corps, Deputy Commissioner, Punjab, on leave for twenty months, Government General Order No. 268 of 15th March 1866. } "Bhima," 3rd March 1866, from Bombay.

Lieutenant (Brevet Captain) F. H. Inglefield, of the late 38th Regiment Native Infantry, on furlough for 3 years, Government General Order No. 233, dated 8th March 1866.
Lieutenant (Brevet Captain) G. D. Crawfurd, late 18th Regiment Native Infantry, on leave for two years, Government General Order No. 212, dated 2nd March 1866.
Captain J. G. S. Matheson, of the late 2nd European Bengal Fusiliers, on leave for two years, Government General Order No. 226, dated 7th March 1866. } "Nemesis," 11th March 1866.

No. 270 *of* 1866.—The services of Lieutenant A. C. Padday, of the Royal Engineers, are placed at the disposal of the Public Works Department.

The 16*th March* 1866.

No. 271 *of* 1866.—The services of the under-mentioned Officers of the Royal Engineers being no longer required with the Dooar Field Force, to which they were temporarily attached, they are replaced at the disposal of the Public Works Department :—

2nd Captain Brevet Major Æ. Perkins.
Lieutenant C. N. Judge.
" W. T. Whish.
" J. H. Smith.
" A. J. C. Cunningham.

No. 272 *of* 1866.—Assistant Apothecary W. Mayberry, of the Subordinate Medical Department, having been declared by a Medical Committee to be unfit for further active service, is transferred to

the Pension Establishment, with permission to reside and draw his stipend in India.

No. 273 *of* 1866.—Lieutenant H. H. Stansfeld, of the late 5th European Regiment, Adjutant of the Calcutta Volunteer Rifle Corps, is allowed leave of absence for six months, from the 15th April 1866, to visit Cashmere, on private affairs, under the new Regulations.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

REVENUE—FORESTS.

No. 2 F.

Fort William, the 10*th March* 1866.

NOTIFICATIONS.

The Governor General in Council is pleased to appoint Mr. C. F. Nepean to the charge of the Forest Survey Office, British Burmah, as a temporary arrangement, with effect from the 12th of November 1865.

ESTABLISHMENT.

No. 72.

The 12*th March* 1866.

Lieutenant M. T. Sale, R. E., is appointed to the Public Works Department as an Assistant Engineer of the 2nd Grade, and posted to British Burmah.

No. 73.

Mr. W. McCracken, Accountant, 3rd Grade, Mysore, was allowed leave of absence, on medical certificate, from the 4th to the 29th January 1866

No. 74.

The 14*th March* 1866.

Mr. J. C. Oman is re-appointed to the Public Works Department as an Accountant of the 3rd Grade, and posted to Bengal, with effect from the 1st February 1866.

No. 75.

Mr. William August is appointed to the Public Works Department as an Accountant of the 4th Grade, on probation, and posted to the Central Provinces, with effect from the 20th February 1866.

No. 76.

Messrs. E. O. N. Rehling and R. D'Silva have been appointed Accountants of the 4th Grade, on probation, and posted to British Burmah, with effect from the 1st October 1865.

No. 77.

Lieutenant W. G. Cumming, R. E., Assistant Engineer, 1st Grade, British Burmah, has been allowed two months' leave of absence on medical certificate, with effect from the 25th January 1866.

C. H. DICKENS, *Lieut. Colonel,* R. A.,
Secy. to the Govt. of India.

Revenue Survey Department.

No. 4.

Dated 14*th March* 1866.

The following transfer is to have effect from the 17th February 1866 :—

Lieutenant J. E. Sandeman, Assistant Revenue Surveyor of the 2nd Division, Central Provinces, (doing duty at Presidency Office), to 2nd Division Oudh.

J. E. GASTRELL, *Lieut. Colonel,*
Offg. Depy. Surveyor General of India.

ADVERTISEMENTS.

NOTICE No. 86.

The Public are informed that a Government Bullock Train Establishment on a limited scale has been organized under this Department between Peerpointy and Punkabarry at the base of the Darjeeling Hills, viâ Carragolah, Purneah, Kissengunge, and Titalyah, and another between Titalyah and Santrabarry at the foot of the Buxa Dooar, viâ Mynagooree. The train is chiefly intended for the conveyance of Commissariat and other Military stores, but as it happens that the train sometimes remains idle, it is notified that goods will be received from the non-official public for conveyance by the above train at the stations named below, and that the following rates will be charged upon such goods :—

		Rs.	A.	P.
Peerpointy or Sahibgunge to				
Carragolah ...	per md.	0	2	0
Carragolah to Purneah ...	"	0	8	0
Purneah to Kissengunge ...	"	0	12	0
Kissengunge to Titalyah ...	"	0	12	0
Titalyah to Punkabarry ...	"	0	8	0
Peerpointy to Punkabarry ...	per md.	2	10	0
Titalyah to Santrabarry ...	"	1	14	0
Peerpointy to Santrabarry ...	per md.	4	8	0

Delivery of goods will be made at the above stations, and passengers, when there is available space, will also be carried by the train on prepayment of the charge for three maunds. Further, as the down train from Punkabarry to Carragolah is expected to return empty, country produce will be received for despatch and charged for at the following rates :—

		Rs.	A.	P.
Punkabarry to Titalyah ...	per md.	0	8	0
Titalyah to Kissengunge	"	0	6	0
Kissengunge to Purneah	"	0	6	0
Purneah to Carragolah ...	"	0	4	0
Carragolah to Peerpointy ...	"	0	2	0
Punkabarry to Peerpointy ...	per md.	1	10	0

C. K. DOVE,
Post Master Genl. of Bengal.

CALCUTTA,
The 19*th February* 1866.

Statement of Government Promissory Notes enfaced for Payment of Interest in London, showing the total amount outstanding according to the Registers received in this Office up to 7th March 1866.

	4 per cent. Transfer of 1865.	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statement dated 27th February 1866 ...	18,69,400	47,000	300	23,34,400	24,58,600	1,08,61,700	82,44,700	39,19,000	5,01,32,600	3,08,48,400	17,600	16,000	11,10,49,700
ADD—													
Amount enfaced at Madras, as per Registers received up to date	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enfaced at Bombay, as per ditto ditto ...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enfaced at Calcutta up to date	49,400	...	...	11,300	2,700	8,500	53,800	7,500	2,95,100	35,500	...	...	4,63,800
Total ...	19,18,800	47,000	300	23,45,700	24,61,300	1,08,70,200	82,98,500	39,26,500	5,07,27,700	3,08,83,900	17,600	16,000	11,15,13,500
DEDUCT—													
Amount removed from the London Books as per Registers received up to date	49,400	...	...	35,800	500	11,000	44,000	15,500	6,44,600	4,19,700	11,500	...	12,32,000
Total ...	18,69,400	47,000	300	23,09,900	24,60,800	1,08,59,200	82,54,500	39,11,000	5,00,83,100	3,04,64,200	6,100	16,000	11,02,81,500

PUBLIC DEBT OFFICE;
BANK OF BENGAL,
FORT WILLIAM;
Loan Office,
The 13*th March* 1866.

GEO. DICKSON,

Secretary and Treasurer.

Just Published,

No. XIV of the Quarterly Civil List for the Lower Provinces of Bengal, shewing the names, designations, and emoluments of the Civil, Military, and Uncovenanted Servants of Government in all Departments. Price—Rupeess Three (3) per copy in cash, or by a Money Order.

Stamps cannot be received.

R. C. TULLOH,
Examiner of Claims,
for Accountant General, Bengal.

CALCUTTA;
OFFICE OF ACCTT. GENL., BENGAL,
Treasury Buildings,
The 12th March 1866.

NOTICE.

Whereas it appears that land is required to be taken up at the public expense for a public purpose in the Durriabad District, viz., for the construction of a Thanna, it is hereby notified that land to the extent and in the village noted in the margin is required for the said purpose.

Pergunnah.	Village.	Quantity of land required.		
		Acs.	R.	P.
Rudowlie ...	Bhilsur...	0	0	34

2nd.—This declaration is made under Section 2, Act VI of 1857.

C. W. HUTCHINSON, *Lieut. Colonel,*
Secy. to the Chief Commr., Oudh, D. P. W.

LUCKNOW,
7th March 1866.

Indian Newcastle Coal Company Limited.

At an Extraordinary General Meeting of Shareholders, held at the Registered Office of the Company on Saturday, the 10th March 1866, at 2 P. M. The following Resolutions were passed:—

1. That the Resolution passed at the Meeting of Shareholders held on the 25th January 1866 for winding up the Company be confirmed.

2. That Messrs. M. Gregory and Co. be appointed Liquidators to the Company, and a Committee of Shareholders, consisting of Messrs. J. L. Mackenzie, W. S. Millard, H. J. Joakim, and R. Z. Shircore, be appointed to assist the Liquidators in beneficially winding up the Company, and that the Liquidators be allowed 3 per cent. on the amounts realized.

(Sd.) J. L. MACKENZIE,
Chairman.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned:—

F. M. HALLIDAY,
Offg. Magistrate.

WANTED

A Second Master for the Sehore School, salary Rs. 150 per mensem.

Apply, forwarding testimonials, &c., to
The Political Agent in Bhopal,
Sehore,
CENTRAL INDIA.

N. B.—In the event of the successful candidate being married, and his wife capable of teaching English, Sewing, &c., she would be appointed Head Mistress of the Sehore Girls' School on a salary of Rs. 45 per mensem.

Bye-Laws for the City of Lucknow.

The following rules for the conduct of business and execution of Act XVIII of 1864 by the Municipal Committee within the City and Suburbs of Lucknow, are, with the approval of the Chief Commissioner of Oudh, published for general information, and are to be considered in force from the 1st May 1866:—

CONDUCT OF BUSINESS.

Meetings of Committee.

I. There will be one Meeting in every month, viz., on the third Thursday at 6 o'clock A. M., in Summer, and 7 o'clock A. M., in Winter.

Emergent or Special Meetings.

II. The President, or in his absence the Vice-President, or in the absence of both, the Secretary may, on any occasion arising, call for an Emergent Meeting by Circular, or separate summons upon not less than twelve hours' notice; but no business shall be transacted thereat other than that for which the Meeting may be called.

Postponement of regular Meetings.

III. Should occasion arise to postpone the regular Meeting, due notice must be given; otherwise the Bye-laws must be the guide of each Member.

Chairman in absence of the President.

IV. In the absence of the President, the Vice-President shall take the Chair, in the absence of both, the Meeting to elect their own Chairman.

Number of Members to form a quorum.

V. Seven Members shall constitute a quorum.

Chairman to have a casting vote.

VI. The Chairman shall, in case of an equal division, have a second or casting vote.

Regulation of business.

VII. The President shall regulate the course of all business to be brought forward and preserve order. No discussion on any points of order shall be allowed, unless the President shall think fit to take the opinion of the Members present.

Submission of point of order to President.

VIII. Any Member present may submit a point of order to the President.

Mode of proposing or discussing any question.

IX. In proposing or discussing any question, each Member shall speak from his place, always addressing the President.

Members not to speak twice upon any motion.

X. No Members shall speak twice upon any motion or amendment, except the mover in reply.

Votes how to be taken.

XI. Votes shall be taken by a show of hands, if the mover of any question demands a poll.

Proposition or amendment to be in writing.

XII. Every proposal or amendment shall be in writing, but unless required by the President, the proposal or amendment need not be seconded.

Questions from Members how to be put.

XIII. All questions from one Member to another relating to the business of the Meeting shall be put through the President.

Meetings of Committee open to public.

XIV. The Meetings of the Municipal Committee are, as a rule, open to public, but strangers can be requested to withdraw if necessary.

Communications to be sent in a day previous to Meeting.

XV. All communications intended for the Monthly Meeting must reach the Secretary not later than noon of the day previous to any Meeting.

Correspondence to be referred to Sub-Committee concerned.

XVI. All correspondence to be referred by the Secretary to the Sub-Committee to which it belongs immediately on receipt, and their report to be made at next general Meeting through the Secretary.

Division of duties.

XVII. The division of duties shall be as follows, and Members of the Sub-Committees shall be named on the 1st May of each year, and a list containing the names of each Sub-Committee will be hung up in the Committee Office:—

1*st.*—Correspondence and Accounts.

2*nd.*—Sites, Buildings, Repairs.

3*rd.*—Drainage Conservancy, Police, and Roads.

4*th.*—Estimates.

Annual Budget.

XVIII. The Sub-Committees will regulate and look after all works provided for in the Annual Budget.

Emergent works.

XIX. In all cases of exigency, the Sub-Committee shall have authority to act without immediate reference to the General Committee, if the cost does not exceed Rs. 500, provided the work is one of urgent necessity; and the Secretary, if the exigency be great, may act alone to the extent of Rs. 100, but in other cases, an Emergent Meeting at twelve hours' notice should be summoned.

Absolute sale of land.

XX. Any person desirous of purchasing, or renting ground belonging to the Committee, for building, or other purposes, shall submit a written application with plans to the Secretary, describing the locality and extent of the ground required; such application will be made over to the Sub-Committee concerned for report. In case of sale, the ground shall be measured and marked off by the Municipal Engineer, an upset price fixed, and the lot be put up to public auction, after being advertised in the local public newspapers for 15 days; such sales will be held at the Office of the Secretary, who will furnish a printed copy of the general terms of sale.

Tenants of land.

XXI. In cases of applications for land on lease, the Committee shall be at liberty to determine the maximum rent, and to select their tenant.

Rejection of application.

XXII. The Committee may reject any application for grounds, on rent or sale, without assigning reasons to the applicant, or may impose as one of the conditions, that buildings, outbuildings, and surrounding walls or enclosures, shall be of a certain character or value, and be constructed within such time as may be fixed at the time of sale or lease, subject in case of failure, to resumption of the ground or to such other penalties as may be determined on in the written agreement which shall be invariably taken. The Municipal Engineer will maintain the requisite supervision and report any breach of the conditions of the agreement, and he will further mark off all lands so leased.

Names of streets.

XXIII. The names of streets shall all be gradually put up, and any person found guilty of destroying or defacing such Indicators, shall be subject to fine.

Sub-letting of a house without permission interdicted.

XXIV. No tenant of a house holding a permanent or temporary lease from the Committee shall be allowed to sub-let without permission of the Committee first obtained.

Members of Committee not to take contracts.

XXV. No Member of the Municipal Committee shall be allowed to take any contract, or have any pecuniary interest in any contract, granted by the Committee or their Municipal Engineer.

Municipal Engineer.

XXVI. The Municipal Engineer will be the Referree of the Committee in all engineering questions, large and small, and be guided in the performance of his duties by such rules as may be framed by the Committee.

Chapter I.—Nuisances.

Act XLV of 1860, Penal Code.
Act XXV of 1861, Criminal Procedure Code.
Act V of 1861, Police Act.

XXVII. In addition to the nuisances provided for by the Acts quoted in the margin, the following are now defined as local nuisances within the city of Lucknow, and prohibited under the authority vested in the Municipal Committee under Section 15, Act XVIII of 1864, and subject to the penalty declared therein.

XXVIII. Quarrying Kunkur and digging for bricks without permission, or cutting down trees or grass on public ground.

Excavation or cut-trees, &c.

XXIX. Leaving lands or buildings so neglected as to afford shelter to thieves or disorderly persons, or otherwise becoming a nuisance.

Neglected buildings or land.

XXX. Erecting any temporary or permanent building, wall, shed, awning, chabutra or enclosure without license.

Erecting walls, sheds, &c.

XXXI. Growing high crops where prohibited in such place where they are likely to be prejudicial to the public health, or to affect the public safety by affording cover or shelter to thieves and other bad characters.

High crops.

XXXII. Picketting animals, or collecting carts, or forming encampments on any public ground without permission.

Picketting cattle or forming encampments.

XXXIII. Flying paper kites, or engaging in any other games in such manner as to be a nuisance, or likely to endanger passengers on the public roads.

Flying kites.

XXXIV. Collecting or depositing night soil and other filth in any place not specially set apart for that purpose.

Filth deposits.

XXXV. Disobeying any order of the Committee acting as a Board of Health, for the removal of vegetation and underwood calculated to obstruct ventilation or neglecting to keep in repair, and properly clean any enclosure or premises.

Committee as Board of Health.

XXXVI. Neglecting in any estate, compound, enclosure or premises, to keep in proper repair and properly clean any privy or latrine.

Neglecting premises or latrines.

XXXVII. Constructing drains or cesspools, or neglecting the same in such a manner as to affect the health of the public.

Drains and cesspools.

XXXVIII. Using any place for purposes of nature except the public latrines.

Using latrines.

XXXIX. Begging in the bazaars or other public streets or thoroughfares, or otherwise causing annoyance to passers by.

Begging.

XL. Using driving roads, during driving hours, by Camels and Elephants or loaded Carts, and using any portion of the road excepting the sides at other times.

Camels, Elephants or loaded Carts.

XLI. Driving Carriages, Buggies, Dog-Carts or other conveyances after dusk without clear Lights on both sides of the same.

Lights to Carriages.

XLII. Driving otherwise than on the left-hand side of the road, or passing any other conveyances otherwise than by leaving them to the right hand.

Driving on proper side of road.

XLIII. Letting loose or allowing to stray or graze, any cattle whatsoever in any public place without permission.

Stray Cattle.

XLIV. Storing more than five maunds of Saltpetre, or one maund of Gunpowder, or five maunds of Fireworks.

Combustibles.

XLV. Establishing depôts for Hay and Bamboos within city limits, excepting at the following places and under conditions specified, i. e.—

Hay and Bamboos.

Large depôts at Aysh Bagh, Secunder Bagh, and Ghow-Ghat.

Smaller depôts in each Thanna division on sites to be selected for the same by the Secretary and Native Members.

The quantity to be stored at each to be determined by the Superintendent, City Police.

XLVI. Forming up or moving of processions at night on any public road without a written order from the City Superintendent.

Processions.

XLVII. Failures on the part of Native Musicians in processions, whether by night or by day, to cease playing at the approach of any carriage or other conveyance to which horses may be harnessed.

Native Musicians.

XLVIII. Burying in any ground once publicly declared by the Committee as closed, or using an unlicensed cemetery.

Burying grounds.

XLIX. Disposing of any corpse in the River Gomti within the city limits, or in the Canal or in any Ravine or Nulla leading to the river.

Throwing bodies into river, &c.

L. Neglecting the removal within a reasonable time to the place set apart for such burial of the carcass of any animal which may die on the owners or occupiers' premises.

Carcasses of animals.

LI. Destroying Trees or plucking Fruits or Flowers in Public Gardens or Roads.

Destroying trees, &c.

LII. Making a public thoroughfare of public grounds not intended for such purpose.

Public thoroughfares.

LIII. Fishing with nets in the Gomti except by permission within the limits of the city.

Fishing with nets in the Gomti.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XV, corrected in the Office of the Adjutant General up to the 1st of January, is now ready. This Number contains the List of War Services of Officers. Price Five Rupees *in advance*, and eight annas extra if sent by post. Apply to

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NOTICE.

Whereas it appears to His Excellency the Governor General in Council that land is required to be taken up by Government at the public expense for a public purpose, viz., for two Tehseels and Thannahs, one Police Station, one Road Chowkie, and a Road, it is hereby notified that land to the extent and in the villages noted below is required for the said purposes.

2. The declaration is made under Section II, Act VI of 1857.

District.	Village.	Quantity of land required.			REMARKS.
		A.	R.	P.	
Oonao ...	Ajgain	1	1	30	For a road between the Railway line and Trunk Road in Pergunnah Jhullatur Ajgain.
	Mullawan	...	3	35	Ditto ditto.
	Khajgeepoor	1	2	...	For a road Bungalow on the requisition of the Executive Engineer, 1st Division, Oudh Roads.
	Kusbah Putchim ...	1	1	25	For combined Tehseel and Thannah at Poorwah.
	Suffeepoor Khas ...	1	1	25	Ditto ditto at Suffeepoor.
	Mullawan	...	1	30	For Police Station at Ajgain, Tehseel Nawabgunge.
	Total ...	7	0	25	

LUCKNOW,
The 7th March 1866.

C. W. HUTCHINSON, *Lieut. Colonel*, R. E.,
Offg. Secy. to Chief Commissioner, D. P. W., Oudh.

LOST,

In transit by Post between Jounpoor and Benares, the right-hand half of Currency Note No. $\frac{A}{13}$05648 of the Allahabad Circle, for Rs. 50. Application for payment has been made to the Deputy Commissioner of Currency, Allahabad Circle.

W. H. SMITH, C. S.

JOUNPOOR,
March 7th 1866.

LOST OR STOLEN.

The halves of Government Currency Notes Nos. $\frac{A}{13}$30381 and $\frac{A}{13}$33113, for Rs. 100 each.

LOST.

The right-hand halves of Currency Notes:—

$\frac{A}{9}$65052, dated 11th July 1861, for Rs. 20.

$\frac{A}{17}$61694, dated 7th May 1862, for Rs. 10.

LOST,

In transmission through the Post, first half of Government Currency Note No. $\frac{A}{11}$41181, for Rs. 50, payment of which has been stopped at the Mint.

A. PAXTON AND CO.

LOST.

The first half of a Government Currency Note No. $\frac{A}{9}$40986, for Rs. 20.

J. D'SOUZA.

LOST.

1st Halves of G. C. Notes No. $\frac{A}{14}$13473 for Rs. 100, and No. $\frac{A}{8}$94303 for Rs. 10.

RADHA GOBIND SHAW.

LOST.

The 1st Halves of the Government Currency Notes Nos. $\frac{A}{18}$53478 and $\frac{A}{18}$53879 of Rs. 1,000 each, payment for which has been stopped at the Bank.

LOST OR STOLEN.

On or about the 30th November last, Left Half of Currency Note, Allahabad Circle, $\frac{A}{12}$84345, value one hundred Rupees. Payment has been stopped.

C. O. DANIELL, M. D.,
Civil Surgeon and
Jail Magistrate, Jounpore.

JOUNPORE,
Dated 28th February 1866.

LOST.

A Government Promissory Note No. 14567, dated 31st March 1836, of 4 per cent. loan, for Co.'s Rs. 500.

RAMESSUR ROY CHOWDRY.

Allahabad.

LOST OR STOLEN.

Two first halves of Government of India's Notes Nos. $\frac{A}{30}$20708 and $\frac{A}{11}$74630 for Rs. 100 and 50 respectively.

J. T. BLISSETT,
Supdt. Govt. Telegraphs,
Bengal Circle.

LOST.

On the 19th February a right-hand half of an India Government Currency Lahore Note No. $\frac{A}{13}$26311 for Rs. 500, payment of which has been stopped in the Mint.

BAHADOOR SING, PERTAUB SING, DHUNPUT SING.

LOST.

1st Half of Govt. Note No. $\frac{A}{7}$88048, for Rs. 10.

NOTICE.

The following Currency Notes of the Lahore Circle having been lost, it is hereby notified that payment of the same has been stopped :—

Of Rupees 10 each.		Of Rupees 20 each.
A18—41,702	A18—41,742	A26—23,557
A18—41,704	A18—41,745	A26—23,559
A18—41,708	A18—41,746	A26—23,574
A18—41,709	A18—41,747	A26—23,577
A18—41,712	A18—41,750	A26—23,603
A18—41,713	A18—41,751	A26—23,694
A18—41,714	A18—41,754	A26—23,698
A18—41,715	A18—41,755	A26—23,699
A18—41,716	A18—41,756	A26—23,700
A18—41,717	A18—41,757	A26—23,801
A18—41,718	A18—41,759	A26—23,804
A18—41,719	A18—41,761	A26—23,805
A18—41,720	A18—41,762	A26—23,807
A18—41,721	A18—41,763	A26—23,808
A18—41,722	A18—41,764	A26—23,809
A18—41,723	A18—41,765	A26—23,812
A18—41,725	A18—41,766	A26—23,813
A18—41,726	A18—41,767	A26—23,814
A18—41,728	A18—41,771	
A18—41,731	A18—41,772	
A18—41,732	A18—41,773	
A18—41,735	A18—41,777	
A18—41,736	A18—41,778	
A18—41,739	A18—41,779	
A18—41,740	A18—41,780	
A18—41,741	A18—41,781	

L. C. PROBYN,
Accountant General, Punjab.

LAHORE,
The 7th March 1866.

Just Published.

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Ditto ditto for 1864 ...	2	0
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SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, MARCH 17, 1866.

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Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 9th March 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Rájj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble George Ross.

PUBLIC MUSEUM (CALCUTTA) BILL.

The Hon'ble MR. MAINE introduced the Bill to provide for the Establishment of a public Museum at Calcutta, and moved that it be referred to a Select Committee, with instructions to report in a fortnight. He said that he had fully described to the Council last week the arrangement which had been come to between the Asiatic Society and the Government of India. Even now he was rather afraid that there was something in the language of the Bill which would require to be corrected, as not being quite consistent with the financial position of the Government. The Bill, in its present form, had received the assent of the Society, and if the Council would allow it to go to Committee, any necessary alteration could easily be made in its phraseology.

The Motion was put and agreed to.

RELIGIOUS ENDOWMENTS COMMITTEES' BILL.

The Hon'ble MR. MAINE also introduced the Bill to empower the Committees appointed under the seventh Section of Act No. XX of 1863 to raise the costs and expenses incurred in the performance of their duties, and for other purposes, and moved that it be referred to a Select Committee, with instructions to report in a fortnight. He said that the Bill had been necessitated by the speed with which the Government of Madras had transferred all the property belonging to religious institutions to the Trustees or Managers of the several Mosques and Temples superintended by the Committees appointed pursuant to Act XX of 1863. It was supposed, when that Act was passed, that a certain amount of property would remain in the hands of the Committees which would be sufficient to defray the expenses necessarily incurred by them in the performance of their duties—duties for neglecting which they were liable to be sued. But in Madras, before the Act was passed, all the property was transferred to the Trustees; and the consequence was that the Committees had nothing to pay for Clerks and Chuprassees. Section 1 of the Bill accordingly provided as follows:—"It shall be lawful for every such Committee from time to time to pay or cause to be paid out of the income, or to raise or cause to be raised out of the capital, of the property of any religious establishment under their superintendence or management, such sums of money as shall be

required to defray the costs and expenses incurred from time to time in relation to or concerning such superintendence or management. Every Trustee, Manager, Superintendent and other person in whom all or any part of such property may be vested shall be bound to make such payments out of the said income, and to execute such conveyances of the said capital as may be necessary to effect the purposes of this Act; and, in default of compliance with any of the provisions of this Section, he shall be liable to a fine of one hundred rupees."

And then Section 2 provided that no person taking under any sale, mortgage or other disposition purporting to be made under the powers conferred by this Act, should be bound to enquire into the necessity or expediency thereof, or to see that no more than was required was raised.

In the absence of a law for all India, Mr. Maine really did not know whether that declaration was required in the Mofussil, but it was certainly needed in the Presidency Towns, where what was technically known as the doctrine of Notice, was fully understood and applied. He thought under these circumstances that he should best carry out the intention of the framer of the original Act by introducing this Section.

As he had explained to the Council last week, Section 3 was required to correct an omission in Act XX of 1863, which makes no provision for the appointment of a new Committee-man in the place of any member of a Committee wishing to resign. The Bill authorizes the appointment of a new Committee-man, not only in this case, but also in that of a member leaving India.

The Motion was put and agreed to.

JUDGES COMMISSIONS' BILL.

The Hon'ble MR. MAINE also introduced the Bill to relieve the Governor-General of India in Council from the duty of signing the Commissions mentioned in Sections 22 and 44 of the High Courts' Criminal Procedure Amendment Act, 1865, and moved that it be referred to a Select Committee, with instructions to report in a fortnight. He said that this Bill explained itself. It proposed to provide that a seal should be made at the expense of the Government of India with this inscription 'The seal of the Governor-General of India in Council,' and should be kept in the custody of such person as the Governor-General of India in Council should from time to time appoint in that behalf, and that the Commissions respectively mentioned in Sections 22 and 44 of 'The High Courts' Criminal Procedure Amendment Act, 1865,' might be stamped with such seal by such person as the Governor-General of India in Council should from time to time appoint in that behalf; and when so stamped should be equally valid and effectual as if they had been signed by the Governor-General of India and the Members of his Council.

Section 22 of the High Courts' Criminal Procedure Amendment Act, 1865, empowered the Governor-General of India in Council to authorize the Judges of a High Court to be sent under his Commission into the Mofussil; and Section 44 provided for the appointment of a Barrister-at-law to hold sittings at certain places under the Commission of the Governor-General in Council.

The Motion was put and agreed to.

PLEADERS' AND MOOKHTARS' ACT EXTENSION (N. W. P.) BILL.

The Hon'ble MR. MAINE also moved that the Report of the Select Committee on the Bill to extend Act No. XX of 1865 (to amend the law relating to Pleaders and Mookhtars) to the Sudder Court of the North-Western Provinces be taken into consideration. He said that the Committee had no amendments to suggest. The Sudder Court of the North-West had expressed their entire concurrence in the Bill. He, however, had felt considerable doubt as to whether he should proceed with it, because he saw that the establishment of a High Court for the North-Western Provinces had been gazetted, although whether or not the Letters Patent had been signed he was unable to say. Still it might happen that the High Court when established might wish merely to continue the rules which the Sudder Court had made; and on the whole he thought it better that the Bill should be passed.

The Motion was put and agreed to.

The Hon'ble MR. MAINE also moved that the Bill be passed.

The Motion was put and agreed to.

INDIAN COMPANIES' BILL.

The Hon'ble MR. MAINE also moved that the Report of the Select Committee on the Bill for the incorporation, regulation, and winding up of Trading Companies and other Associations be taken into consideration. He said that this was a much more important measure than those which he had just introduced. It had had the good fortune of receiving the fullest approval of the public bodies to which it had been referred. Most of them had sent it back with an expression of their opinion that the Bill was desirable in the interests of the community, and that it should be passed with as much despatch as possible. There were two exceptions, not to the approbation expressed, but to the absence of suggestion. The British Indian Association had recommended that the Inspectors who might be appointed under certain Sections of the Bill to examine into the affairs of Joint Stock Companies should be bound to secrecy. The suggestion was founded on a sound idea, for it was not desirable that the Inspectors should gossip about the results of their inspection; but Mr Maine was sorry to say that he thought it quite impracticable. The usual expedient for securing secrecy was an oath: but it was open to the objections to which all oaths were open, that they bound the conscience of the swearer little more than his sense of duty would have bound him already, and that as they were a burden on the conscience, they often prevented a scrupulous person from undertaking the duty for which he was most fitted. Mr. Maine thought, moreover, that the Association overrated the evils of publicity through the indiscretion of Inspectors. There was doubtless a point in the history of every trader or Company at which it was against their interest that the exact state of their affairs should be known. But by the very nature of the case, this point must have been passed before Inspectors were appointed. Something must have occurred to throw doubt on the prosperity of the Company, or there would have been no inspection. If these doubts were unfounded, the sooner the truth was known the better for the Company. If there was

ground for them, the time when every thing would be divulged could not, under the circumstances, be far distant. Mr. Maine must add that, so far as England was concerned—he could not speak with confidence of India—the class of people employed on inspections, were very little likely to betray confidence. They were professional accountants, and were no more in the habit of talking of the affairs of the Company whose books they examined, than medical men were in the habit of talking of the diseases of their patients. They made it a point of honour not to do so, and their business depended on their continued discretion. The Landholders' Association had called attention to an important point which had been much discussed by the Committee. They had observed on the risk to which policy-holders were exposed by the conversion under the Bill of Unlimited into Limited Life Insurance Companies. The Bill provided for the consent of a certain portion of the shareholders being obtained. But the Association remarked, with great truth, that the persons most interested were not the shareholders, but the policy-holders. Now Mr. Maine held strongly that, where a Life Insurance Company had agreed to pay the amount secured on a policy on a certain contingency, its liability being unlimited at the time of making the contract, it could not limit the liability either of the aggregate association or of the individual shareholders by simply registering itself as a limited Company. The shareholders remained responsible to the policy-holder to their last shilling or rupee. But it was true that the policy-holders were placed in a considerable practical difficulty. For from the moment of the conversion of an unlimited into a limited Company, the policy-holder must either discontinue his payment of premiums, in which case his policy became void, or he must continue to pay these premiums to the limited Company; and in that case he would run much risk of being held by a Court of Justice to have accepted the security of the limited, in lieu of that furnished by the unlimited, Company. The Association had admitted the difficulty of finding a mode of obviating this injustice. To ask the consent of the policy-holders would be simply nugatory, for policies were generally held under trust, and the trustee would surely refuse his consent—indeed it would be his duty to do so. The case of an Unlimited Life Insurance Company transmuting itself into a Limited Company, did not, so far as Mr. Maine could judge from the reports, appear to have occurred. But the case of two Companies amalgamating and of the policy-holders objecting to the new security was known to have happened; and it seemed that the only way in which they could protect themselves from constructive acquiescence in the liability of the new Company was by paying all their premiums under protest,—a most inconvenient course. Mr. Maine thought that the practical requirements of the case were met by the amendment which the Committee proposed to introduce. The Committee proposed to provide that no Unlimited Life Assurance Company existing at the date of the passing of the Act, should be allowed to transmute itself into a Limited Liability Company. Practically the only Companies formed under the Act would be limited, for one of the great objects of the Act was to empower Natives to form Life Assurance Companies, which they would only enter into on condition of their liability being limited. The great majority of Insurance Companies now doing business in India were branches of English Associations incorporated under English law.

One point remained, to which he would call the attention of the Council, because it was a departure from the English Statute, though it was in harmony with the Indian Act of 1857 now proposed to be superseded The obligation of showing a balance-sheet and having the accounts audited was in the English Act part of Table A, and therefore could be waived by intending Shareholders. But in India, considering the distance of many of the shareholders, from the theatre of the Company's operations, and their general incuriousness Mr. Maine thought it should be made a positive duty incumbent on the Directors to show an annual balance-sheet and to submit to an annual audit. The Bill, therefore, followed Act XIX of 1857 in requiring this, and it further made the omission to do so penal.

The Motion was put and agreed to.

The Hon'ble MR. MAINE said that he had an amendment to propose which was not on the List of Business. Section 65, which related to the recovery of penalties under the Act, incorporated by reference two Acts of the Indian Legislature. The Committee, however, had introduced at the end of the Bill a series of Sections providing expressly for the recovery of penalties. He therefore begged to move that Section 65 be omitted and the necessary changes made in the numbers of the subsequent Sections.

The Motion was put and agreed to.

The Hon'ble MR. MAINE also moved that the Bill as amended be passed.

The Motion was put and agreed to.

ASSAM COMPANY'S BILL.

The Hon'ble MR. MAINE also moved that the Report of the Select Committee on the Bill to repeal Act No. IV of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company) be taken into consideration. He said that this was a mere matter of form. The Bill had simply been necessitated by a Section in a private Act of the English Parliament which required that this Council should repeal the old Act of the Indian Legislature before the new Act of the English Parliament came into operation. The Committee had no modifications to suggest.

The motion was put and agreed to.

The Hon'ble MR. MAINE then moved that the Bill be passed.

The Motion was put and agreed to.

PRIVATE WATER-COURSES' BILL.

The Hon'ble MR. MUIR presented the Report of the Select Committee on the Bill to provide for the appropriation of land required for private water-courses from Canals.

The following Select Committees were named:—

On the Bill to provide for the establishment of a public Museum at Calcutta—His Honor the Lieutenant-Governor, the Hon'ble Mr. Grey and the Mover.

On the Bill to empower the Committees appointed under the seventh Section of Act No. XX of 1863 to raise the costs and expenses incurred

in the performance of their duties, and for other purposes—His Honor the Lieutenant-Governor, the Hon'ble Rájá Sáhib Dyál, the Hon'ble Mr. Muir and the Mover.

On the Bill to relieve the Governor-General of India in Council from the duty of signing the Commissions mentioned in Sections 22 and 14 of the High Courts' Criminal Procedure Amendment Act, 1865—The Hon'ble Mr. Grey, the Hon'ble Colonel Durand and the Mover.

His Excellency THE PRESIDENT said that, before adjourning the Council, he wished to express his sorrow for the loss of their colleague, the Hon'ble Stewart Gordon. He was sure that all would sympathize with him in this feeling. Mr. Gordon, though young in years, was selected, at the recommendation of Sir Bartle Frere, as a fitting representative of the Bombay Presidency, and fully justified that Statesman's choice. He had gained, in his own service, the character of an earnest and able officer, and though he was but a short time among them, they had learnt to appreciate his merits. They deplored his loss, thus cut off in the middle of a career of usefulness and promise.

The Council adjourned till the 16th March.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

CALCUTTA,
The 9th March 1866.

HOME DEPARTMENT.

Report on the state of the Roads in Fyzabad.

From the Secy. to the Chief Commr. in Oudh, Dept. of Public Works, to the Secy. to the Govt. of India, Dept. of Public Works, Calcutta,—(No. 2250, dated Lucknow, 21st February 1866.)

With reference to that portion of the report by Lieutenant Coddington, Assistant Revenue Surveyor in Oudh, that relates to the roads in the District of Fyzabad (published at page 397 of the Supplement to *Gazette of India*, dated 30th December last), I have the honor, by direction of the Chief Commissioner, to forward enclosed copy of docket from Commissioner, Fyzabad, No. 47, dated 7th current, with accompaniments, and to remark that, if Lieutenant Coddington's report refers to the Fyzabad District Roads as they were in 1865, the description is not correct.

2. I am also to state that the Chief Commissioner quite agrees in what Mr. Mayne says, and begs that the Civil District Engineer's report may be published in the Gazette as a correction to Lieutenant Coddington's description.

From F. O. Mayne, Esq., Commr., Fyzabad, to the Secy. to Chief Commr. of Oudh,—(dated 7th February 1866.)

Cutcha Roads in the Fyzabad District.

In reply to No. 1755, dated 4th ultimo, begs to submit Mr. Penny's account, in original, of the Fyzabad District Roads; Commissioner has been all round the district and inspected all these roads, and he can safely assert that there is no District in Oudh in which the roads generally are in a more advanced state, or in better order than in the Fyzabad District. They indeed bear a very favorable contrast to the roads in the neighbouring districts of the North-Western Provinces.

From Alfred Penny, Esq., C. E., Dist. Engr., to the Offg. Depy Commr., Fyzabad Dist.,—(dated Camp, 1st February 1866.)

Referring to Lieutenant Coddington's description of the roads in this district, published *Gazette of India*, and sent by Chief Commissioner for report by the District Officers, I have the honor to state that, however true the remarks might have been three years ago, they no longer convey a correct impression of the condition the Fyzabad Roads.

2. The lines of communication specially mentioned by Lieutenant Coddington as being *available* for wheel traffic in fine weather, but *not good* for wheel traffic at any time, and *almost impassable* during the rains, are:

1st.—The Fyzabad and Roy Bareilly Road.

2nd.—The Fyzabad and Jounpoor Road, viâ Akberpoor.

3rd.—Fyzabad and Azimgurh Road, viâ Tandah. He further adds that they are all *very partially bridged.*

As I have not been long connected with the district, it will suffice for me to give a brief account of these and of other roads as they stand at present.

3. The Fyzabad section of the road to Roy Bareilly has been once reported finished, with the exception of one large three-arch skew-bridge, and about 1½ mile of heavy embankment across the valley of the Goomtee; it was embanked and turfed and bridged according to the best judgment of the District Officers, and no expense was spared. The road is an admirable one for ten months of the year, and even during the height of the rainy season; the chief inconvenience is owing to the above two works not being yet finished. An estimate for completing them has just received the sanction of Chief Commissioner, and a beginning has been made on the skew-bridge; sanction has also been given to a few improvements recommended in my report, which, without involving any large additional outlay, will make this line beyond dispute a 1st class unmetalled road.

4. This was probably the last of the main district roads travelled over by Lieutenant Coddington,—I am therefore the more surprised to find him stigmatizing it as "*but very partially bridged*" In a distance of 29 miles there are already 26 to 28 bridges,—I write from memory,—many of them of 12 feet and 15 feet span, one of them comprising two 15-feet arches, and another three 20-feet arches. I find it necessary to replace two by larger and better built bridges, but only five new ones, of small spans, seem to be required to render the cross-drainage of this road perfect.

5. In the Fyzabad and Jounpoor Road there is a length of some 12 miles,—between Akberpoor and Sirhoorpoor,—which has hitherto only been lined out and defined by side-drains; it is at length to be taken in hand,—a large sum has been applied for in the budget of 1866-67 for its completion. With this exception, this line is also in very fair order; between Fyzabad and Akberpoor, (about 38 miles,) only three more small drains are required in addition to those already existing;

between Sirhoorpoor and the Jounpoor boundary none, excepting to replace old ones which have begun to fall to pieces.

The first 3½ miles of this road, as far as Durshunnugger, are being metalled.

A little raising will be required here and there before this road can be pronounced high and dry at all seasons, but it is emphatically an excellent driving road all the dry weather, and is invariably driven over by all officials going on tour.

6. The road to Azimgurh, viâ Tandah, branches off at the 16th mile-stone of the above line; the 20 mile length to town of Tandah is in capital driving order all the dry weather, and requires but little to be done to place it beyond interruption by the rains; this length was completely bridged two years ago, and probably the bridges were scarcely begun when Lieutenant Coddington used to know the road,—Mr. Oldham did them all in one season, I am told.

Beyond Tandah almost every one of the necessary bridges is built, but a considerable amount of raising has yet to be done; upwards of Rs. 2,000 are to be spent before 1st of May from current budget, and it is hoped that the reproach of being barely passable in the rainy season will be removed from this road before the next rains set in.

7. In addition to the above, we have in this district the following 1st class roads in different stages of progress:—

1st.—The Tandah and Jounpoor Road, viâ Sirhoorpoor, where it joins on to the Fyzabad and Jounpoor line.

2nd.—The Akberpoor and Dostpoor Road, which it is proposed to continue on to Kadeepoor and Dewar Ghât on the Goomtee.

3rd.—The Tandah and Sultanpoor Road, viâ Akberpoor.

On the first-named there are a great many drainbridges of different sizes already built, but I think that a few more are required. Very little has yet been done towards embanking the line, and the expenditure on this item will be heavy, as this is the most impassable line in the district during the rains.

The River Tonse is crossed, and a commencement has been made of a bridge for which upwards of Rs. 10,000 have just been sanctioned by Chief Commissioner.

8. In the current budget a large grant has been made for the raising and bridging of the 12 miles of road between the two tehsil towns of Akberpoor and Dostpoor. The works are now in hand; the greatest impediment to traffic has hitherto been the Chooya-Nala, over which a 30-feet bridge will be built before next rains.

In 1867-68 it is proposed to continue this line some 12 miles further,—to Dewar Ghât on the Goomtee opposite to Chanda, where a junction will be made with the Sultanpoor and the Pertabgurh systems of roads. This line will run past the Police station of Kadeepoor, which at present is for four months of the year very difficult of access from any part of the district.

9. The Tandah and Sultanpoor Road, 40 miles long, is now being completed; five large bridges, which are all that remain to be built, are in hand, and will be finished, it is believed, before 1st May next; the earthwork has just been completed, and the banks will be turfed during next rains. When finished, this will be one of the very best roads in the district.

10. The number of 2nd class (unbridged, and but partially raised) roads is larger in the Fyzabad District than in most others, and they are carefully repaired after every rains, so that every one is drivable; few other districts are so well supplied with these useful links connecting the main roads together at different points.

PROPOSED WEEKLY MAIL SERVICE BETWEEN ENGLAND AND BOMBAY.

POST OFFICE.

No. 5 of 1865.

To

THE RIGHT HON'BLE SIR CHARLES WOOD, BART., G. C. B.,

Secretary of State for India.

Fort William, the 17th April 1865.

SIR,

Referring to the correspondence noted on the margin,* we forward for your consideration the accompanying communications from the Director General† of the Post Office, the Calcutta Chamber of Commerce,‡ and the Calcutta Trades Association,§ relating to the establishment of a weekly Mail between England and Bombay.

* To Secretary of State, No. 16, dated 31st August 1860.
To ditto No. 22, dated 6th November 1860.
To ditto No. 23, dated 29th November 1860.
To ditto No. 2, dated 14th January 1861.
From ditto No. 11, dated 31st January 1861.
From ditto No. 50, dated 30th April 1861.
To ditto No. 12, dated 28th June 1861.
From ditto No. 148, dated 24th December 1861.
From ditto No. 90, dated 8th December 1862.
From ditto No. 8, dated 31st January 1863.
From ditto No. 76, dated 23rd December 1863.
From ditto No. 59, dated 9th July 1864.

† Dated 20th February 1865.
‡ Dated 4th and 21st March 1865.
§ Dated 31st March 1865.

2. We are not yet in a position to state definitely by what time Railway communication will be complete between Bombay and Calcutta, or between Bombay and Madras: neither are we able to state that the roads are in such a condition throughout as to make it quite certain that it will be possible, either in the present year or in 1866, to convey the Calcutta Mails throughout the whole year in Mail Carts over those parts of the line where the Railway will remain unfinished.

3. Nevertheless we desire strongly to recommend that measures should be now taken for establishing, from the commencement of the ensuing year, a weekly Mail communication between Suez and Bombay, feeling satisfied that, even if the Mails are not conveyed with perfect regularity, there will be at least as much regularity as obtains under the present system.

4. We would ask your particular attention to Mr. Riddell's remark in paragraphs 6 to 10 of his letter. There is reason to believe that the British India Steam Navigation Company would not be indisposed to tender for the conveyance of Mails twice a month between Suez and Bombay. But it is obvious that neither that Company, nor any other Company except the Peninsular and Oriental Company, can afford to tender for the conveyance of Mails between Aden and Bombay only, except at such an amount as should cover nearly the entire cost of the line. We have no doubt that the new service would be very efficiently discharged by the British India Steam Navigation Company, which already holds several contracts under the Government of India for the conveyance of Mails to Burmah, to the Persian Gulf, and other parts.

5. We would recommend, whatever arrangement be entered into, and with whatever Company, that, so long as the bi-monthly communication to Calcutta viâ Galle is continued, book packets, and newspapers viâ Southampton, intended for Calcutta and Lower Bengal, should be sent only by that route.

6. In paragraphs 12 to 17 Mr. Riddell has discussed the proposal made by the Post Master General of England to increase the rate of postage from six pence to one shilling the half ounce. As it was some time since stated in the public prints that this increase had been abandoned in respect of the Australian Mails, we conclude that it will not now be proposed to apply the measure to the Indian Mails. Such an increase would certainly be very unpopular, and it would, we think, bear with some hardship on a considerable class of the European community in India. Rather than make the minimum

rate of postage a shilling, we should have suggested a general reduction of the weight for a single rate, and, while increasing the charge for half an ounce to one shilling, would have allowed letters not exceeding a quarter of an ounce to be carried for six pence. Such a charge would, we believe, produce a considerably increased postage, while it would still enable those to whom every six pence is of consequence, to avoid the additional charge by reducing the weight of their letters. We see no objection to the smaller alteration now suggested by Mr. Riddell in the 16th paragraph of his letter.

We have, &c.,

(Signed) JOHN LAWRENCE.
" H. B. HARINGTON.
" W. GREY.
" W. N. MASSEY.

From H. B. RIDDELL, ESQ., Director General of the Post Office of India, to Secy. to Govt. of India, Home Dept.,—No. 3247, dated 20th February 1865.

The inconvenience of the existing arrangements for the transmission of Mails between England and India has become so great, that I cannot delay bringing the subject again before Government in the hope that measures may be taken to place the Mail Service on a more satisfactory footing. At present there are nominally four Mails in the month to and from India; but owing to the long circuit made by those sent viâ Galle to Calcutta, nine-tenths of India receive the benefit of two only.

2. I give in margin the dates on which the Overland Express and the Ordinary Overland Mails viâ Bombay have been despatched from Calcutta, and the dates on which the Mails for the Galle Steamers have been closed in Calcutta, since the 1st of December 1864. It will be seen that even now letters despatched by Overland Express to Bombay would, according to Contract time, reach England a week before letters posted on the same or following day for transmission by the Steamer viâ Galle. Within the last few days the Thul Ghat has been opened for traffic, and arrangements are in progress which will make the evening Mail Train from Calcutta a through Train to Agra. These measures will save about 15 hours between Bombay and Calcutta, and before November there is every prospect of the Branch Railway to Nagpore being open. There will then be a break of only 400 miles between the Railroads ending at Nagpore and at Mirzapore, and the Ordinary Mail will be about four days and six hours in transit between Bombay and Calcutta. The progress of the Nagpore Railway has been much slower than was anticipated. I believe, however, there is now no doubt that it will be open from Bombay to Nagpore before it is possible to make arrangements for a weekly Mail communication between England and Bombay.

Route.	Date of closing Mail in Calcutta.	Date in England.
Bombay latest safe date ..	6th Dec. at 6 P. M.	5th Jan. 1865.
Ditto Express ..	7th Dec. at 6 P. M.	
Mail viâ Galle ..	8th Dec. at 6 P. M.	12th Jan. 1865.
Bombay latest safe date ..	21st Dec. at 6 P. M.	20th Jan. 1865.
Ditto Express ..	22nd Dec. at 6 P. M.	
Mail viâ Galle ..	22nd Dec. at 6 P. M.	26th Jan. 1865.
Bombay latest safe date ..	6th Jan. at 6 P. M.	5th Feb. 1865.
Ditto Express ..	7th Jan. at 6 P. M.	
Mail viâ Galle ..	8th Jan. at 6 P. M.	12th Feb. 1865.
Bombay latest safe date ..	21st Jan. at 6 P. M.	20th Feb. 1865.
Ditto Express ..	22nd Jan. at 6 P. M.	
Mail viâ Galle ..	22nd Jan. at 6 P. M.	26th Feb. 1865

3. Assuming that arrangements between Aden and Bombay cannot be made before November, I have little hesitation in saying that the Post Office in India will be prepared to convey the Overland Mails to and from Bombay and Madras and Calcutta with despatch and regularity. I cannot promise "perfect" regularity, but can undertake that the regularity shall be at least as perfect as that attained by the contract Steamers.

4. As, therefore, the conditions required by the Right Hon'ble the Secretary of State can be complied with as far as the conveyance of the Mails in India is concerned, I venture to hope that the great boon of a weekly communication with England will not be withheld much longer.

5. It is clear that the adoption of Bombay as the port of arrival and despatch of all Mails for India to or from Suez would meet the Postal requirements of Calcutta more effectually than the present arrangement, while Bombay and the rest of India would have the benefit of a weekly instead of a bi-monthly Mail. I would strongly urge the advantage of making arrangements for a weekly Mail, i. e., 52 Mails a year from each end of the line, leaving London and Bombay on a fixed day in each week. Under the present system, four Mails only are despatched at somewhat irregular intervals in each month. The greater regularity of des-

patch would, I feel satisfied, have a favorable effect on the correspondence, and at the same time the Establishments in India would be more regularly, and, therefore, more economically employed.

6. I am anxious that it should be clearly understood that if the interests of India and of England in relation to India were alone considered, a weekly Mail communication between Europe and India viâ Bombay could be established at a smaller cost than is now incurred in keeping up a bi-monthly communication with the two ports of Bombay and Calcutta. Taking Suez as the point of departure, the Mail Steamers, under the existing arrangements, traverse in the course of the year in 96 voyages 370,848 miles. If the Steamers made 104 voyages between Suez and Bombay, the distance traversed would be 309,088, that is, 61,760 miles less than under existing arrangements. The Peninsular and Oriental Steam Navigation Company, it appears, are now paid for their Indian Contract at the rate of 4*s.* 6*d.* per mile; at this rate the annual payment would be about (£83,300) eighty-three thousand and three hundred. Allowing an addition to the mileage rate, and assuming that (5) five shillings a mile were given, the subsidy for 102 trips between Suez and Bombay would be (£77,272) pounds seventy-seven thousand two hundred and seventy-two.

	Miles.		Voyages.		Miles
Suez to Calcutta ...	4 754	×	48	=	228,192
Suez to Bombay ...	2,972	×	48	=	142,656
			Total ...		370,848
Suez to Bombay ..	2,972	×	104	=	309,088
			Difference ...		61,760

7. The Peninsular and Oriental Steam Navigation Company in an informal offer proposed to ask (£67,980) pounds sixty-seven thousand nine hundred and eighty for 48 trips between Aden and Bombay, that is (£1,416-5*s.*) one thousand four hundred and sixteen pounds and five shillings per trip, or rather more than (Rs. 2,000) two thousand a day for each day under steam. This tender is preposterously high, and I have very little doubt that arrangements could be made in India for the despatch of two extra Mails in each month from Aden or Suez and from Bombay for less than half the subsidy demanded by the Peninsular and Oriental Steam Navigation Company.

8. At first sight, it would seem that it ought to cost much less to provide for the despatch of two extra Steamers in each direction between Bombay and Aden than between Bombay and Suez; but in practice it will, I believe, be found that the subsidy required for the service between Aden and Bombay will be very nearly as great as that for the longer voyage between Suez and Bombay. The reason for this will be apparent when it is considered that the branch line from Aden could not expect much freight or passenger traffic, whereas a line from Suez could ensure a fair share both of the passengers and goods traffic between Europe and Bombay. There can be no question that two additional Steamers monthly to and from Suez and Bombay would be far more convenient to passengers and far more useful to commerce than a branch line to and from Aden only.

9. If, therefore, the contract with the Peninsular and Oriental Steam Navigation Company cannot be revised so as to relieve India of the unnecessary burthen which is impossed on it in the shape of a subsidy for a Postal line which is absolutely useless to it, I would propose that arrangements should be at once made for the despatch of two additional Mails in the month from Suez to Bombay, and from Bombay to Suez. I have some reason to believe that a tender for the service may be made in India by the British India Steam Navigation Company, which has Steamers in India which can be at once made available. The tenders previously made in England, and the subsidy paid to the Peninsular and Oriental Steam Navigation Company, will enable the Government to judge whether the tender, if made, is advantageous. The Managing Director is expected in Calcutta very shortly; and though I do not delay the submission of this report, the Viceroy in Council may think it desirable to wait until about the 10th March before taking any further steps in the matter.

10. Should it be found advisable to enter into a local Contract for two additional Mail services in each month between Suez and Bombay, it would be, I think, desirable to limit its duration to two or three years. In the course of that time it would, I should trust, be possible both to disentangle the Postal communications of India from the long sea lines required for the conveyance of Mails between Suez and Ceylon, China and Australia, and to provide for the despatch of a Mail for India from London on a fixed day in each week. If this were done, the China and Australia Mails might be despatched on the 1st and 3rd Wednesday of each month instead of on the present dates. The departures from Suez to Bombay corresponding to the despatches from London on the second and fourth Wednesday would be in Peninsular and Oriental Steam Navigation Company's Steamer. The remaining despatches would be conveyed from Suez in Local Steam Packets.

11. Some time before November next the Railroad will be completed to Brindisi. The English Company which has a subsidy from the Italian Government for the line of Steamers from Ancona and Brindisi to Alexandria are, I believe, most anxious to secure the conveyance of India Mails, in order that they may be able to guarantee that their passengers will not reach Alexandria after the Mail has passed on to Suez. The arrangements, however, west of Egypt, are, perhaps, beyond my province, and I mention the Brindisi line in order that Government may see that, great as are the present facilities of communication in the Medi-

terranean, they will be much increased in a very few months In fact if the Mails can be conveyed between Suez and India, there will be no difficulty in their conveyance to and from Alexandria.

12. In connection with the subject under consideration, a proposal was suggested by Lord Stanley of Alderly, Her Majesty's Post Master General, that the rates of postage should be raised on correspondence between Great Britain and India, in order to provide funds to meet the increase of expense which will be incurred, if additional Mails are sent to Bombay.

13. It is my opinion, and I think that in this and in previous reports I have proved, that if the Postal communications between Great Britain and India were separated from the contracts for communication between Europe, China, and Australia, the additional Indian service could be performed at a less cost than the present service. If this is the case, it is hard that the correspondence of India should be taxed and the rates of postage raised for the benefit of China and Australia.

14. I believe, too, that, without any increase in the rates of postage, there will be a large increase in the Postal revenue if all India is allowed to share the benefit of a weekly communication with Europe. At present, as I have said above, although there are nominally four Mails to and from India, yet practically there are but two. When there is a weekly Mail to and from Bombay, there will be a weekly Mail to and from every Port Town in India; and there can be no reasonable doubt that the correspondence, though it will not be doubled, will be very largely increased, and will partially, at least, meet the expense which, under existing arrangements, will be charged on the Indian revenues.

15. If, however, an increase is absolutely necessary, it is possible, perhaps, that a modification of the present rates of postage might produce a larger revenue without exciting discontent or being felt as a hardship. The present minimum charge for a letter viâ Marseilles is 10*d.* for a weight not exceeding half an ounce, above one ounce the charge is 1*s.* 8*d.* per ounce, or fraction of an ounce.

16. These rates do not suit the Indian Coinage; and I believe that a return to the former minimum charge of 9*d.* or 6 annas for a letter under a quarter of an ounce, and an addition of 6*d.* for every additional quarter of an ounce, would yield a considerably larger revenue and not be felt as oppressive.

17. I would not recommend any increase to the Southampton rates of postage; but I think that the number of Mails might, with advantage, be limited to one, or at the utmost two, in the month. The first Mail should be despatched from England as near the commencement of the month as possible, and would take out to India, China, Ceylon, and Australia all the monthly Magazines and Periodicals; the second would, as it now is, be loaded with old newspapers and duplicate letters.

18. The recommendations which I have laid before the Government are briefly the following:—

As the Post Office in India is prepared to undertake the distribution over India of a weekly Mail sent to Bombay from England, I propose that a weekly Mail should be despatched from England to the East by Marseilles or Italy as soon as arrangements can be made; that Mails viâ Southampton should not be despatched oftener than twice in the month; that until the Indian Mail service can be separated for the Ceylon, China, and Australian service, a Local Company should, if possible, be subsidized, so that either 48 or 52 Mails annually should be despatched to and from Suez and Bombay; that no change should be made in Southampton postage, but that the Marseilles minimum rate be reduced to 9*d.* per quarter ounce, and 6*d.* added for each additional quarter ounce.

From H. W. J. Wood, Esq., Secy. to the Bengal Chamber of Commerce, to Secy. to Govt. of India, Home Dept.,—dated 4th March 1865.

The Director General of the Post Office submitted to Government, in his letter No. 2668 of 24th April 1860, a proposition for modifying the arrangements under which the Postal service between England and India was then conducted.

The proposition was based on the assumption that Railway communication between Bengal and Bombay would be so far advanced in the course of two or three years that Bombay would eventually become the port of despatch and receipt of the Mails to and from Europe, and that by the establishment of a weekly Mail from London, the communication with Calcutta would be more rapid and regular, and obviate the necessity for maintaining the highly subsidized service viâ Galle.

Although the Railway between the two Presidencies is not complete, yet it appears to have reached that stage of advancement that, taken in conjunction with the shorter sea passage from Bombay, the dates of departure of the Mails from that Port, which are timed to arrive in London at intervals of a week after the direct Mails of the 9th and 23rd from Calcutta, have been so much retarded that, from a weekly Mail communication, Calcutta is now, for a large portion of the year, practically reduced to a fortnightly communication. In proof of this I am directed to refer to the annexed Statement showing the dates of departure of the Mails viâ

Bombay and viâ Galle for the months of September to April inclusive, compiled from a Notification issued from the Office of the Post Master of Bengal.

In parallel columns to the dates of departure I have given the dates on which these Mails are due in London, from which it will be seen that, while there is an interval of only one day between the departures of, for example, the Mails of the 21st February viâ Bombay and the 22nd viâ Galle, the former are timed to arrive in London six days before the latter. It may reasonably be presumed that another day will shortly be economised in the land transit of the Mails between Bombay and Calcutta, and the anomaly will then be prevented of the Mails viâ Galle and viâ Bombay leaving Calcutta on the same day, and of the former reaching London a week in advance. The practical effect will be that no letters will then be sent viâ Galle at all.

As present arrangements are manifestly inconvenient, it appears essential that a weekly service should be introduced at as early a date as the existing contract with the Peninsular and Oriental Company will permit.

The Mails are now forwarded viâ Agra; but that route will probably be abandoned when the through communication viâ Jubbulpore has been established: pending the opening of that line, however, the Government may consider it desirable that the completed Sections should be availed of, and the intervening distance travelled by Mail Carts if there are sufficiently good roads for that portion of the Overland Postal service.

Table of dates of Despatch of Overland Mails from Calcutta, viâ Bombay and Galle, and of Receipt in London, viâ Marseilles.

Dates of Despatch from Calcutta,			Dates of Receipt in London,		
	Viâ Bombay.	Galle.		Viâ Bombay.	Galle.
September ...	20	22	October ...	21	27
October ...	5	8	November ...	5	12
" ..	20	22	" ...	20	26
November ...	5	8	December ...	6	13
" ...	20	22	" ...	21	27
December ...	6	8	January ...	5	12
" ...	21	22	" ...	20	26
January ...	6	8	February ...	5	12
" ...	21	22	" ...	20	26
February ...	6	8	March ...	8	15
" ...	21	22	" ...	23	29
March ...	6	8	April ...	5	12
" ...	21	22	" ...	20	26
April ...	6	8	May ...	6	13
" ...	21	22	" ...	21	27

From H. W. J. Wood, Esq., Secy. to the Bengal Chamber of Commerce, to Secy. to Govt. of India, Home Dept.,—dated 21st March 1865.

In continuation of my letter of the 4th instant, I am desired by the Committee of the Chamber of Commerce to bring to the notice of His Excellency the Governor General in Council that a Membrial, bearing the signatures of the leading Bankers and Merchants of London, interested in the India trade, has lately been presented to the Secretary of State, praying that an alteration might be made in the Postal arrangements between England and this country; and, that, instead of the Mails being closed in London on certain days of the month, they

should be closed on a fixed day of the week,—Friday being the day selected as the most convenient for various reasons.

This recommendation, if carried out, will involve the establishment of the weekly Mail viâ Bombay, which the Chamber recently took the liberty of suggesting,—for such concession would be deprived of much of its value if letters did not arrive, and opportunity was not afforded of replying to them, at the same stated intervals as the Mails were despatched, which, as shown in my letter above referred to, will not be possible until a weekly Mail service is established viâ Bombay.

I am to express a hope, therefore, that, in view of this concurrence of opinion between the Mercantile communities here and in London, His Excellency in Council will report favorably on the suggested change in the Postal service from this country to the Right Hon'ble the Secretary of State.

From J. LINDLEY, Esq., Secy. to the Calcutta Trades Association, to Secy. to Govt. of India, Home Dept.,—dated 31st March 1865.

I am directed, by the Committee of the Calcutta Trades Association to state that they have read with much pleasure the Memorial of the Merchants and Bankers of London, praying for the establishment of a weekly Mail from London to Calcutta. This Association being firmly convinced of the practical importance of this Memorial to the Mercantile and Trading communities, and to the public at large, desire on their part to urge the expediency of the establishment of a weekly Mail from Calcutta to London viâ Bombay, in place of the present system of despatch viâ Galle and Bombay alternately.

The Association are well aware that the direct line of Railway to Bombay is still far from being completed, but the progress already made in the lines of Railway has very satisfactorily set aside all objections urged, in former times, against the system of land carriage communication of the Mails; while the economy of time since effected by the acceleration of the transit of the Mails viâ Bombay has rendered the other route viâ Galle of very little practical benefit to the Mercantile and Trading communities, and to the general public. The inconvenience of the present system may be illustrated by the last outgoing Mails to Europe, the Mail viâ Galle, and the Marseilles one viâ Bombay, both closing on the 22nd instant, and a Mail viâ Bombay and Southampton on the 21st; the practical results of such arrangements will be that, very nearly, the whole correspondence will be forwarded by the Bombay route, inasmuch as it would reach London six days earlier than if sent viâ Galle.

The Association are not aware when the existing contract with the Peninsular and Oriental Steam Navigation Company will terminate; but they would respectfully urge, on its completion, the establishment of a weekly service viâ Bombay—the Mails, instead of closing on a fixed day of the month, to close in Calcutta on a fixed day of the week. Believing that the carrying out of this arrangement would be regarded as a valuable public boon, the Association express the hope that this proposed alteration in the despatch of the Mails for England, &c., will be favorably received by His Excellency the Governor General in Council, and recommended for adoption to the Right Hon'ble the Secretary of State for India.

No. 7 OF 1865.

To

THE RIGHT HON'BLE SIR CHARLES WOOD, BART., G. C. B.,
Secretary of State for India.

Simla, the 21st July 1865.

SIR,

In continuation of our Despatch No. 5, dated the 17th April, we have the honor to transmit copy of a correspondence with the Government of Bombay, relative to a proposal for additional Mail communication between Bombay and Suez, together with copy of a note on the subject by the Director General of the Post Office.

From Bombay, No. 1126, dated 22nd June 1865, and enclosure.
To Bombay, No. 151, dated 15th July 1865.

We have, &c.,

(Signed) JOHN LAWRENCE.
" W. MANSFIELD.
" W. GREY.
" G. N. TAYLOR.
" W. N. MASSEY.
" H. M. DURAND.

From F. S. CHAPMAN, ESQ., Chief Secy. to Govt. of Bombay, to Secy. to Govt. of India, Home Dept.,—No. 1126, dated 22nd June 1865.

I am directed by His Excellency the Governor in Council to forward to you, for submission to His Excellency the Governor General in Council, copies of the correspondence noted in the margin, relative to a proposal for additional Mail communication between Bombay and Suez.

Letter from the Superintendent, Peninsular and Oriental Steam Navigation Company, dated 30th May 1865.
Report by the Post Master General, No. 1416, dated 8th June 1865
Government Letter No. 1124, dated 22nd June 1865.

From T. BLACK, ESQ., Supdt., P. and O. Steam Navigation Company, to Chief Secy. to Govt. of Bombay,—dated 30th May 1865.

I have the honor to bring to your notice that the Directors of this Company contemplate the commencement of an additional fortnightly Mail service between England and Bombay, in conjunction with their Calcutta and Suez line, should sufficient encouragement be given to them by the Government and the public to warrant their trying the experiment.

2. The Homeward Steamers from Calcutta reach Suez about the 4th and 17th of the month, and it is proposed that the departure of the additional vessels from Bombay should be so timed as to allow of their reaching Suez on the same date as the Calcutta Steamers.

3. In the same manner the additional Bombay Mails would be despatched outward from Suez simultaneously with the Steamers for Calcutta, leaving about the 4th and 19th of each month.

4. My object in addressing you is to ascertain whether the Government of Bombay would be willing to offer substantial encouragement and pecuniary aid towards the carrying out of the proposed service.

5. The addition of two Steamers a month to the Postal service between Suez and Bombay could only be carried out at a very heavy outlay on the part of the Company, and could not therefore be undertaken profitably without Government aid; at the same time the great and growing importance of Bombay as a commercial port, point to an increase in the means of communication with England as a most desirable and important object to be accomplished. It is also to be remembered that an increase in the Mail service between England and Bombay gives equally increased means of communication to all other parts of India.

6. The memorial recently addressed to the Post Master General by a number of leading merchants in London, and a similar memorial forwarded by the Bombay Chamber of Commerce on the subject of the Mail service, show that the commercial section of the community are fully alive to the advantages to be derived from increased Postal communication, and I imagine that, in a political point of view, the scheme is equally desirable.

7. I shall be glad to be favored with the views of the Government of Bombay on the subject, and as it is very desirable that arrangements for the proposed extension of the Company's operations should be defined at as early a date as practicable, I shall be obliged by an early reply to this letter, in order that I may, if possible, convey the views of His Excellency the Governor in Council to the Directors of the Company by the next outgoing Mail.

Report by E. IMPEY, ESQ., Post Master General, Bombay,—No. 1416, dated Mahableshwur, 8th June 1865.

A proposal for additional communication between Suez and Bombay is, I learn from the Director General of the Post Office in India (Appendix A), before the Government of India.

2. The Agents of the Bombay and Bengal Steamship Company, who have been running Steamers casually from Bombay to Suez, and contemplate doing so regularly every fortnight, were officially asked to state what subsidy they required for such service, and have named (Appendix B) £60,000 per annum. This sum is about half the amount paid to the P. and O. Company for the entire Mail service between England and India by both routes of Southampton and Marseilles, westward of Egypt, and Calcutta and Bombay eastward of the same.

3. It would be advisable that the P. and O. Company should be similarly called on to state the sum for which they are willing to undertake an additional fortnightly service to Suez. On the last occasion that tenders were invited from London, those of the P. and O. Company's (who tendered direct without the intervention of the India Post Office or Government) were so high as to preclude reception.

4. From whatever sum they ask a deduction ought, in my estimation, to be made, equal to the subsidy for the present Mail service from Suez viâ Galle to Calcutta, which will be unnecessary and superfluous for India as soon as direct weekly communication with Bombay is established.

5. The portion of it from Suez to Ceylon, to which, and to Australia, Tasmania, and New Zealand only, it will be necessary to be continued, ought to, and I presume will, be charged to those Colonies.

6. I have no doubt, however, that these details will receive the fullest consideration from the Director General of the Post Office, who, many years ago, before the Railways had advanced to one-fifth of their present extent, advocated more frequent and direct steam communication with England viâ Bombay, and undertook to transport the whole of the Mails across India in a shorter time, and with no greater expense than was paid by the State for the along sea route viâ Galle to Calcutta.

7. The extensions of the Railways since have greatly increased the facilities of land transport; and as soon as the Railways on this side of India are completed, on the Nagpore extension to Nagpore or even to Surdee, from whence a made road extends to Nagpore, and upon the Jubbulpore extension as far as Kundwa, there will be available two trunk Mail Cart routes, one for the Calcutta Mails, and of one for those of the North-Western Provinces and Punjab Mails, which will admit of the rapid disposal of the entire correspondence of India in those directions with certainty and regularity. To effect the same in the direction of Madras, the completion of a Mail Cart Road from Bruckapore to Hurryhur is essential and progressing rapidly.

From F. S. CHAPMAN, ESQ., Chief Secy. to Govt. of Bombay, to Supdt., P. and O. Steam Navigation Co.,—No. 1124, dated 22nd June 1865.

I am directed by His Excellency the Governor in Council to acknowledge the receipt of your letter dated 30th ultimo, and in reply to inform you that the proposal for additional Mail communication between Bombay and Suez is now under the consideration of the Government of India; that this Government fully recognize the advisability of the measure, and that if you are prepared to make any specific offer, it shall be duly forwarded to the proper quarter.

Note by the Director General of the Post Office of India.

I am decidedly of opinion that it is very desirable that the contract for the conveyance of additional Mails to Bombay should, if possible, be given to some other Company and not to the Peninsular and Oriental Company. This course was recommended some years ago by a Committee of the House of Commons, and as there is nothing in the navigation between Suez and Bombay to prevent an Association of moderate means performing the service required, I think that it will be to the advantage of the public in India that the Mail service should be entrusted to two different parties.

I do not understand why the Peninsular and Oriental Agent applied to the Bombay Government for a subsidy; if I am not mistaken, tenders have been publicly invited in England, and therefore no tender could be accepted here.

From A. M. MONTEATH, ESQ., Under Secy. to Govt. of India, Home Dept., to Chief Secy. to Govt. of Bombay,—No. 151, dated Simla, the 15th July 1865.

I am directed to acknowledge the receipt of your letter No. 1126, dated the 22nd ultimo, forwarding a copy of correspondence relative to a proposal for additional Mail communication between Bombay and Suez, and to forward in reply, for the information of the Government of Bombay, a copy of a Despatch No. 5, addressed to the Secretary of State, under date 17th of April last.

2. The correspondence now under reply will be forwarded to the Secretary of State, in continuation of the above.

No. 15 OF 1865.

To

THE RIGHT HON'BLE SIR CHARLES WOOD, BART., G. C. B.,
Secretary of State for India.

Fort William, the 23rd November 1865.

SIR,

In continuation of our Despatch in this Department, No. 5, dated the 17th of April last, we have the honor to submit for your consideration a further communication* from the Director General of the Post Office, on the subject of the arrangements for Postal communication between England and India.

* No. 2447, dated 20th November 1865.

2. We earnestly hope that the existing arrangement, which causes great dissatisfaction to the mercantile and general community, will not be much

longer retained, but that it will be superseded by the establishment either of a weekly Mail, or of four Mails a month to Bombay. The Nagpore extension of the Great Indian Peninsula Railway will be opened to Wurdah, within 60 miles of Nagpore, in January next; and will be completed to Nagpore, it is believed, by January 1867. Between Nagpore and Mirzapore the whole distance can be traversed by Mail Carts throughout the year. Even now, it will be seen from the dates for closing the Mails which are given in Mr. Riddell's letter, the Mails viâ Galle have become for letters quite useless. The Mail which left Calcutta this morning by the Galle route is due in London on or about the 27th proximo, while the Mail which closes this evening for the Bombay route, and by which this Despatch will be transmitted, should, it is believed, reach London on or about the 21st.

We have, &c.,

(Signed) JOHN LAWRENCE.

" H. S. MAINE.

" W. GREY.

" H. M. DURAND.

From H. B. RIDDELL, ESQ., Director General of the Post Office of India, to Secy. to Govt. of India, Home Dept.,—No. 2447, dated 20th November 1865.

From Director General of the Post Office of India, to the Secretary to the Government of India, Home Department, No. 3247, dated 20th February 1865.
To ditto, from ditto, No. 3287, dated 25th October 1865.

With reference to the correspondence quoted in margin, I think it right to draw the attention of Government to the fact that, if official reports are to be trusted, the Nagpore extension of the Great Indian Peninsula Railway will very shortly be open to the Wurdah. The time required for the transmission of a Mail from Calcutta to Bombay will then be further reduced, and the extravagant absurdity of the existing Mail service between India and Suez will be even more glaringly apparent than it now is.

2. I give in margin a Memorandum showing the dates on which Mails viâ Bombay and viâ Galle will be despatched during the next six months. It will be seen that from February the letters despatched by direct Steamer viâ Galle will reach England a week after those despatched on the same day viâ Bombay.

Date of Mail closed at Calcutta.	Route.	Due in London viâ Marseilles.	Remarks.
December 1865, 8th ...	Viâ Galle ...	12th January.	
7th ...	" Bombay ...	5th "	
22nd ...	" Galle ...	26th "	
24th ...	" Bombay ...	20th "	
January 1866, 8th ...	" Galle ...	12th February.	
7th ...	" Bombay ...	5th "	
22nd ...	" Galle ...	26th "	
22nd ...	" Bombay ...	20th "	
February 1866, 8th ...	" Galle ...	15th March.	
8th ...	" Bombay ...	8th "	
22nd ...	" Galle ...	29th "	
23rd ...	" Bombay ...	23rd "	
March 1866, 8th ...	" Galle ...	12th April.	
8th ...	" Bombay ...	5th "	
22nd ...	" Galle ...	26th "	
23rd ...	" Bombay ...	20th "	
April 1866, 8th ...	" Galle ...	13th May.	
8th ...	" Bombay ...	6th "	
22nd ...	" Galle ...	27th "	
23rd ...	" Bombay ...	21st "	
May 1866, 8th ...	" Galle ...	12th June.	
8th ...	" Bombay ...	5th "	
22nd ...	" Galle ...	26th "	
23rd ...	" Bombay ...	19th "	

3. Whatever sum is expended out of the revenues of India for the maintenance of a line of Steamers between Suez and Calcutta viâ Galle is, for all Postal purposes, absolutely wasted; and I respectfully submit that the interests of India ought not to be sacrificed to the requirement of China and Australia. If the sum paid for the Postal communication with China and Australia is not sufficient, it may be necessary to increase the subsidy: but I cannot conceive any reason why the increase should be at the cost of India, or why a sum, which would be probably more than sufficient to provide a weekly Mail communication between all parts of India and Suez, should be spent on a line which is practically useless to India.

No. 92.

To

HIS EXCELLENCY THE RIGHT HON'BLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

INDIA OFFICE,

London, 30*th December* 1865.

SIR,

Your letters dated 17th April last, No. 5, and 21st July, No. 7, on the subject of the establishment of a weekly Mail between England and India viâ Bombay, were communicated by me to Her Majesty's Post Master General; and I now forward, for your information, a copy of the correspondence* which has taken place on the subject.

* Letter from Post Office, dated 4th May 1865.
Ditto to ditto, dated 23rd June 1865.
Ditto from ditto, dated 14th July 1865.
Ditto to ditto, dated 5th October 1865.
Ditto from ditto, dated 21st December 1865.

I have, &c.,

(Signed) C. WOOD.

From F. HILL, ESQ., to H. MERIVALE, ESQ., C. B., &c., &c., &c., India Office,—No. 493 Q, dated Whitehall, the 4th May 1865.

I am directed by the Post Master General to request that you will draw the attention of the Secretary of State for India in Council to the letter which I had the honor, by desire of His Lordship, to address to you on the 8th January 1863, bringing under consideration the question of raising the rate of postage on letters between this country and India from six pence to one shilling the half ounce letter.

In reply to that letter, Sir Charles Wood stated that he would refer the question for the consideration of the Government of India, and would communicate the result to the Post Master General; but, up to this time, nothing further has been heard on the subject.

As Sir Charles Wood is probably aware, a very general desire has recently been expressed that the Mails for India, instead of being despatched four times in each calendar month, should be despatched weekly, and should be made up in London on a fixed day in each week, so as to obviate the inconvenience now experienced when the regular day of despatch falls on Sunday.

A similar proposal had previously been made by the India Post Office; and, irrespective of these applications, the change had long been desired by this Department for the sake both of the public and of its own convenience; but the Post Master General has been deterred from recommending the alteration from the consideration that it would entail a large additional expense, from £30,000 to £40,000 a year, whereas even now the service is attended with a heavy loss.

Under the circumstances, Land Stanley, of Alderley, regards it as indispensable that the change in question should, if it be made, be accompanied with the increase in postage recommended in my letter of January 1863, above referred to; but, if this increase be consented to, His Lordship believes, owing to the reduced cost at which, in consequence of the increased traffic with India, such a measure could now be effected, that it will be practicable not merely to have a weekly Mail to India generally, but a weekly Mail to Bombay—an improvement which, as Sir Charles Wood is aware, has, for some years, been earnestly desired by the Indian Government.

I am accordingly desired to request that Sir Charles Wood will endeavour to obtain the assent of the Indian Government to such augmentation without further delay, in order that the Post Master General may be in a position to make these important alterations as soon as possible.

The change to a weekly Mail the Packet Company state they could make on a notice of about two months; and Lord Stanley has reason to hope that, in a few months from this time, a weekly Mail to Bombay might be established.

From H. MERIVALE, ESQ., C. B., Under Secy. of State for India, to the Asst. Secy., Genl. Post Office,—Dated 23rd June 1865.

I have laid before the Secretary of State for India in Council your letter dated the 4th ultimo, stating that, in the event of the rate of postage between India and England being raised, as formerly proposed, from six pence to one shilling the half ounce letter, it would, in the opinion of Her Majesty's Post Master General, be practicable not merely to have a weekly Mail to India generally, but a weekly Mail to Bombay, and that Lord Stanley, of Alderley, is desirous, therefore, that the assent of the Government of India should be obtained to the suggested increase of postage without further delay.

In reply, I am directed to express the gratification of Sir Charles Wood that there is a prospect that a fixed weekly Postal communication between England and India will, in accordance with the general wish of those connected with India, be carried out at no distant period.

Post Office, No. 5, dated 17th April 1865

Sir Charles Wood has just received a letter from the Government of India, a copy of which, with its enclosures, is herewith forwarded for the information of Lord Stanley, of Alderley, furnishing the Report called for on the questions of a weekly Mail communication with India viâ Bombay, and of an increase in the rates of postage.

On the first point, it will be observed that the Government of India strongly recommend that a weekly Mail communication may be established between Suez and Bombay from the commencement of the ensuing year, and Sir Charles Wood does not doubt that that Government is fully justified in the confidence which it expresses, that there will be ample provision available at that time for the distribution of the Mails from Bombay to all parts of India with the requisite regularity and despatch.

With regard to the question of the increase in the rates of postage between England and India, the Government of India, under the impression that, as the measure had been relinquished as regards Australia, it would not be pressed in respect to India, has not entered in the discussion of the subject at any length. The Government, however, though not objecting to the small increase of charge on letters viâ Marseilles, suggested as a maximum by Mr. Riddell, refer to the hardship which the proposed increase would impose on a considerable portion of the European community in India, and to the unpopularity with which it would be received; and as the measure is, in the opinion of Charles Wood, to be strongly deprecated, except on the clearest grounds of necessity, I am directed to enquire whether, in the event of the Mail communication by sea between Aden and Calcutta being relinquished, it might not be practicable to carry out the plan of a weekly communication with Bombay without that increase in the aggregate charge for the contract Steamers, in consideration of which it is proposed to raise the rates of postage.

It is maintained by the Director General of the Post Office in India that this might be done, and Sir Charles Wood desires to commend the arguments urged by that gentleman to the consideration of Lord Stanley, of Alderley.

From F. HILL, ESQ., to H. MERIVALE, ESQ., C. B., &c., &c., &c., India Office,—No. 764 Q, dated the 14th July 1865.

I am directed by the Post Master General to acknowledge the receipt of your letter of the 23rd ultimo, in which you forward the copy of a letter from the Government of India, and its enclosures, reporting upon the questions submitted for their consideration in 1863, with reference to the establishment of a weekly communication between this country and India viâ Bombay, combined with an increase in the postage on letters.

It appears that the Government of India strongly recommend that a weekly communication may be established between Suez and Bombay from the commencement of the ensuing year; but, with regard to the question of the increase of postage, it seems that that Government, under the impression that, as the measure had been relinquished as regards Australia, it would not be pressed in respect to India, have not entered on the discussion of the subject at any length. The Government, however, though not objecting to the small increase of charge on letters transmitted viâ Marseilles, suggested as a maximum by Mr. Riddell, Director General of the Post Office of India, think that the proposed increase would impose some hardship on a considerable portion of the European community in India, and would be very unpopular.

The Post Master General fully agrees with Sir Charles Wood and the Government of India in the opinion expressed in your letter of the advantage of substituting for the present Postal service with India a Weekly service, and in thinking that that service should be exclusively with Bombay; but His Lordship is of opinion that, unless the object be accomplished by imposing additional taxation on the public generally (in the propriety of which, so far at least as relates to the English public, he cannot concur) these improvements can be obtained only by raising the postage, as proposed in my letter of the 8th January 1863.

Sir Charles Wood is, no doubt, aware that the service to India, even as now conducted, entails a heavy loss, such loss amounting to not less than about £80,000 a year; and, if without requiring higher rates of postage, the service were to be altered in the way desired, this loss would probably be increased to about £120,000, and possibly to a yet larger amount.

By raising the postage, however, by way of Southampton to one shilling, and viâ Marseilles (so long as the present high transit charge through France continues) to 1*s.* 4*d.*, the loss would, it is estimated, be reduced to about £41,000.

Should the commercial intercourse between the United Kingdom and India continue to increase at the same rate as of late, even this smaller loss would probably, at no distant time, disappear; and if, instead of a loss, a surplus should arise, then Lord Stanley, of Alderley, thinks that the question might properly be considered of a gradual reduction in the rate of postage, with the hope of coming back by degrees to the present rates.

When, a few years ago, the question arose whether the Packet service to China should be diminished, or the postage increased (and that to the extent now suggested in regard to India), the merchants who were consulted, readily, and I believe cheerfully, consented to the increase of postage,—an increase which, so far as Lord Stanley is aware, has not given rise to a single complaint, or caused any diminution in the amount of the correspondence; and, in the communications which have taken place with the Australian Colonies, it has always been clearly stated that the Home Government can hold out no prospect of any increase in the Packet service without a simultaneous increase in the rate of postage.

Thus the *suspension*, not as the Indian Government seem to suppose the *abandonment*, of the question of raising the postage to Australia, has been coincident with a postponement of the other question of making the service to Australia fortnightly instead of monthly.

If the benefit to be obtained by the proposed alteration in the Mail service to India be as great as those who call most loudly for it state it to be, the persons who will enjoy such benefit must surely be willing, rather than forego it, to pay the moderate rate of postage which has been named,—a rate much less than that charged only ten years ago, when the service was very inferior; for, at that time, besides a shilling rate viâ Southampton, with an addition of 10 pence if the letter went through France, there was a considerable further charge in India.

With regard to those who would suffer most by an increase of postage, and who might consider the greater frequency and regularity of the Mail service as no compensation for such increase, namely, the large body of private soldiers in India, it must be borne in mind that the rate of postage to them would not be altered, but would remain, as now, one penny only per half ounce letter.

The calculation made by Mr. Riddell that, if the packets went exclusively to Bombay instead of alternately to Bombay and Calcutta, the service could be established at a smaller cost than is now incurred is fallacious.

A similar statement was made by Mr. Riddell in 1860, and was replied to in a letter from this Department to the India Office, dated the 15th November of that year.

The chief fallacy consists in supposing that the Indian Service is paid for at a certain rate (four shillings and six pence) per mile; and that, by a reduction in the number of miles, a corresponding saving would be effected.

The service is not paid for in that way; a given sum is paid, and it is true that that sum divided by the number of miles run yields a quotient of about four shillings and six pence; but so long as, from commercial necessities, Steam Boats go in certain proportions to Calcutta, and only in certain other proportions to Bombay, no material reduction in the cost of the Calcutta service can be effected by diminishing the number of Mails sent by the Calcutta Boats; while an increase in the number of Mails sent to Bombay by rendering necessary a corresponding increase in the number of boats on that route would be attended with a large increase of expense.

It would be impossible to separate the Indian service from those to China and Australia, as suggested by Mr. Riddell, without having distinct services throughout, including that in the Mediterranean,—an alteration which, in all probability, would much increase the cost of all three services.

The change in the rates of postage suggested by Mr. Riddell would be complex, irregular, and inconsistent with any existing scale, and would fail in the object in view, namely, that of making good the deficiency in the revenue.

If, however, such changes as those named be suitable for India, there would be no objection, on Lord Stanley's part, to their adoption with respect to letters posted *in* India, provided the collection of postage and the payment of the subsidy be placed on the same footing as in the case of the Australian Colonies, viz., that of the Imperial and Indian Governments, each paying half the subsidy and keeping all the postage they collect.

Independently of the point under immediate consideration, Lord Stanley, of Alderley, would be glad to see such an alteration effected, as it would reduce the accounts between the two Post Offices and be attended with other advantages.

The proposed diminution in the number of packets from Southampton would not (as ascertained by enquiry long ago) result in any decrease in the subsidy. The present packets from Southampton are required for the purposes of commerce, and must, therefore, continue to run whether Mails be sent by them or not.

From H. MERIVALE, ESQ., C. B., Under Secy. of State for India, to Secy., General Post Office,—Dated 5th October 1865.

I have laid before the Secretary of State for India in Council Mr. Hill's letter, dated the 14th of July last, on the subject of the proposed weekly Postal communication beween this country and Bombay, and the question of an increase in the rates of postage between England and India; and, in reply, I am directed to make the following observations for the consideration of Her Majesty's Post Master General.

2. Sir Charles Wood observes with regret that the arguments of the Director General of the Post Office in India are considered by Lord Stanley, of Alderley, to be erroneous; and that Lord Stanley, of Alderley, is of opinion that, in order to carry out the proposed additional Postal service to Bombay without a largely increased charge to the State, it would still be necessary to raise the rates of Indian postage, although all Postal service to Madras and Calcutta by sea should be discontinued.

3. The decision of the question is entirely in the hands of the Post Master General. Sir Charles Wood, however, entertains a strong impression that, if the question of Postal communication with India were to be considered on its own merits, and apart from the interests of England and China on one side, and those of England and Australia on the other, the proposed weekly Mail to and from England and Bombay might be provided for at a charge for Postal subsidy not exceeding that now paid for the whole of the Indian service.

4. Sir Charles Wood, however, cannot regard the question as one merely affecting the charge on the Imperial Revenues. It has been the perception of the bearing of increased Postal communication on the wealth and progress of a country that has induced Statesmen of late years to consent to fiscal sacrifices for the purpose of obtaining it.

5. There can be no doubt that increased Postal communication with India implies increasing relations with that country, increased commerce, increased investment of English capital, increased settlement of energetic middle-class Englishmen, and from all of these sources the wealth and prosperity of England are probably more greatly increased than that of India; and at the present day there are classes in India—not private soldiers—to whom the increase of the rate of postage between the two countries would not be only a hardship, but a positive hindrance to their progress.

6. Sir Charles Wood is thus of opinion, on the one hand, that the proposed increase of postage would be likely to have a most serious effect on the joint interests of England and India, and on the other, that the charge of the additional service to and from Bombay might be provided for by reductions in other parts of the Indian service; and he trusts that the further consideration of the subject may lead Lord Stanley, of Alderley, to procure from the Lords of Her Majesty's Treasury the requisite authority to establish the weekly communication with Bombay without any alteration of the existing rates of postage.

7. I am desired to forward, for the consideration of Lord Stanley, of Alderley, a copy of a further letter,* with its enclosures, which has been very recently received from the Government of India upon this subject.

* Post Office, No. 7, dated 21st July 1865, and enclosures.

From F. HILL, ESQ., to H. MERIVALE, ESQ., C. B., &c., &c., &c., India Office,—No. 1458 Q, dated 21st December 1865.

With reference to your letter of the 5th October last, I have to request that you will state to Sir Charles Wood that the Post Master General has brought under the consideration of the Lords Commissioners of Her Majesty's Treasury the whole of the correspondence which has taken place between the India Office and this Department on the subject of the proposed weekly communication between this country and Bombay, and the recommendation on the part of His Lordship that, concurrently with this alteration, the rate of postage on letters to and from India should be increased from six pence to one shilling the single rate.

The Lords Commissioners, adverting to the objections which Sir Charles Wood entertains to the proposed increase of postage, state that they are not prepared to adopt such a measure at the present time; and that, on the other hand, they should not feel warranted in sanctioning the charge for Postal communication with India which would be entailed by making the service to Bombay weekly, unless the Government of India should think fit to defray the entire amount of that increase.

No. 3 OF 1866.

To

THE RIGHT HON'BLE SIR CHARLES WOOD, BART., G. C. B.,

Secy. of State for India.

Fort William, the 22nd February 1866.

SIR,

With reference to your Public Despatch No. 92, dated the 30th of December, and in continuation of the Governor General's telegram dated the 12th instant, we have the honor to submit for your consideration the accompanying letter,* received from the Director General of the post Office in India, on the very important question of establishing a weekly Mail between England and Bombay.

* No. 2753B, dated 19th February 1866.

2. In this letter Mr. Riddell appears to us to state with equal force and justice the position of this question so far as India is concerned. If it is admitted, as it is by the Post Master General in England, (and the point is indeed too clear to leave any room for question about it,) that the Postal service with India should in future be exclusively to Bombay, it is difficult to understand upon what ground it can be seriously maintained that the Indian Post Office should continue to be charged with a portion of the cost of a Postal subsidy given to Steamers on the line between Suez and Galle for the conveyance of China and Australian Mails, or why any subsidy should be given to Steamers running between Galle and Calcutta.

3. We are of opinion that there need be no hesitation in undertaking for the present, on the part of the Government of India, to defray (in addition to a reasonable share of the cost of the service west of Suez which is used for other than Indian Mails,) the whole cost of the Mail service between Suez and Bombay; the entire Sea-postage charged on covers between the two countries being in that case, of course, credited to the Indian Post Office.

4. But we do not consider such an arrangement to be altogether unobjectionable. It would apparently be based on the expectation that the service must be carried on at a loss; and, if so, we venture to suggest that it would hardly be desired by England that the whole of that loss should fall upon the Indian Revenues.

5. It has been well pointed out in Mr. Merivale's letter to the London Post Office of the 5th October, that the interests of England and India are jointly concerned in this matter. There are, no doubt, thousands in the former country to whom increased facilities for Postal communication with India are just as important as they are to their countrymen living in India; and whether we look to the interests of this latter class only, or to the millions from whom Indian Revenue is mainly drawn, and who have no direct interest in the matter at all, it would scarcely be generous for England to stipulate that the loss

which might arise from the establishment of a proper and efficient Postal service between the two countries, should be borne wholly by the Indian taxpayer.

6. We earnestly trust that this question will receive further and full consideration from the Lords Commissioners of Her Majesty's Treasury, and that some arrangement will be assented to whereby India may obtain the great advantage of a weekly Postal service with Bombay, without being compelled at the same time to pay part of the expense of maintaining another line of communication, which is no longer of any service to India.

7. To what an extent the Postal service viâ Galle has ceased to be of use, even to Calcutta, we showed in our Despatch to you on this subject, dated the 23rd November.

We have, &c.,

(Signed) JOHN LAWRENCE.
" W. R. MANSFIELD.
" H. S. MAINE.
" W. GREY.
" G. N. TAYLOR.
" W. N. MASSEY.
" H. M. DURAND.

From H. B. RIDDELL, ESQ., Director General of the Post Office of India, to Secy. to Govt. of India, Home Dept.,—No. 2753 B, dated 19th February 1866.

The Despatch No. 92, dated the 30th December 1865, from the Right Hon'ble the Secretary of State for India, transmits, with other correspondence, the decision of the Lords Commissioners of Her Majesty's Treasury on the subject of the proposed weekly Postal communication between Great Britain and India, and the recommendation of Her Majesty's Post Master General that, concurrently with the establishment of a weekly Mail, the rate of postage on letters to and from India should be doubled.

2. The Lords Commissioners decline to sanction the increased rates of postage, and also decline to sanction "the charge for Postal communication with India, which would be entailed by making the service to Bombay weekly, unless the Government of India will undertake to defray the entire amount of that increase."

3. The first question for the consideration of the Government of India is, therefore, whether the required undertaking should be given. In my opinion the required undertaking may be given without hesitation, as there will be no increase of expense, provided that the service between Suez and India is exclusively confined to Bombay.

4. It is stated in Mr. F. Hill's letter No. 7642, dated 14th July 1865, that Her Majesty's Post Master General "fully agrees with Sir C. Wood and the Government of India in the opinion expressed of the advantage of substituting for the present Postal service with India a weekly service, and in thinking that that service should be exclusively with Bombay." When a weekly service is established exclusively with Bombay, the Steamers between Suez, Galle, and Calcutta would cease to carry Indian Mails, and of course the Indian Postal Revenue would cease to pay any portion of any subsidy granted to Steamers on those lines; but jointly with Ceylon, Mauritius, the Cape of Good Hope, China, Australia, and Great Britain would have to defray the cost of the conveyance of the Mails between England and Suez; and jointly with Great Britain would pay the cost of the service between Suez and Bombay.

5. If, as I believe to be the case, distinct payments are made to the Peninsular and Oriental Company for the Bombay and Suez, the Mauritius and Suez, the Suez and Calcutta, the Galle and China, the Galle and Australia, the Marseilles and Alexandria, and the Southampton and Alexandria services, there could be no difficulty in fixing the share to be paid by India for the Mediterranean service, and for that between Suez and Bombay as well as for the transit through Egypt. There can be no ground for imposing on the Postal Revenues of India any portion of the subsidies paid on lines east of Suez upon which Indian Mails are not conveyed.

6. The subsidy for the line between Calcutta and Galle may be altogether withdrawn, as the line will be useless for Postal purposes. The line between Galle and Suez must be continued for the conveyance of the China and Australian Mails; and, if the Indian Mails are no longer sent by that route, the cost of the Australian and China Mail service will be increased by the sum heretofore paid by India: and it would appear, from the tenor of Mr. Hill's letters, that this consideration has been the ground upon which all connected

with India have been so long denied the advantage of a weekly Mail to and from England, and even of four Mails in the month. It is difficult to understand how the Revenues of India can equitably be charged for the maintenance of a service which is useless to India; and which, for some time past, has acted as an obstacle to a very great public and private improvement. But if, on any ground of Imperial policy, it is considered right to charge upon the Revenues of India a portion of the subsidies paid to British Mail Steamers employed between Australia, China, Ceylon, and Suez, I submit that the charge should be a distinct one, and not be allowed to interfere with the improvement of the Postal communications between Great Britain and India. I think that there is reason to hope that if the rate of postage is not raised, and if a weekly Mail is granted, the receipts from postage will, before long, cover the whole cost of the service.

7 The present Postal requirements of India, in connection with Great Britain and Europe, will be satisfied with a weekly Mail to Bombay. The cost of the Mediterranean lines might be reduced without inconvenience to the public by a reduction in the number of Mails sent viâ Southampton; and even if this were not done, the additional cost of conveying four Mails in the course of a year from Marseilles or Brindisi cannot be serious. Assuming, therefore, for the present, that the cost of conveying the Indian Mails to and from Suez and Great Britain remains unaltered, the increased charge on the Bombay and Suez line will be the subsidy paid for 28 additional trips from Bombay to Suez and back in the course of the year, that is, for 56 Mails.

8. In a previous communication I roughly estimated the probable cost of this service at five shillings a mile. The tender submitted by the Bengal and Bombay Steam Navigation Company, Limited, asks for about three shillings and six pence: but, as the proposed rate of speed is low, it may be safe to estimate the cost at a considerably higher rate.

9. The Bombay and Bengal Steam Navigation Company offer to convey the Mails between Suez and Bombay for a sum of £500 for each Mail, that is, for £1,000 for each voyage from Bombay to Suez and back. At this rate the annual cost of the service for 52 Mails in each direction would be £52,000. At the rate now paid to the Peninsular and Oriental Company, the cost would be £69,544-16. As the cost of the service between Suez and Great Britain is shared between Great Britain, Egypt, India, Ceylon, Mauritius, China, the Cape of Good Hope, and Australia, the sum chargeable to the Indian service must be much less than half the total expense. I have not the means of ascertaining the actual cost, but do not think that I should under-estimate it in roughly calculating that it would be covered by a sum of £30,000 a year.

10. The result of the above calculation is, that I estimate the cost of a weekly Postal service between Bombay and Great Britain at about £100,000 a year.

11. As the accounts of postage collected on Indian correspondence in England are not available, I cannot state exactly the amount now realized under this head. The whole amount collected in India on account of sea and foreign postage is credited in gross to the English Post Office. The charge of six pence per half ounce single letter consists of one penny for Indian inland postage, one penny for English inland postage, and four pence for sea postage. The sum collected in India and credited to England in the year 1864-65 amounted to £60,000, part of which consisted of French and other foreign postage. Of the remainder, one-fifth was English inland postage, the remainder was available to meet the cost of the sea service between India and England.

12. During the same year, 1864-65, the Steam postage due by the London Post Office to India was Rs. 1,74,252-1-10, representing the Indian inland charge on letters and newspapers. It would appear, therefore, that about £80,000 is now collected on the correspondence between India and England, which is available for the payment of the cost of the sea service between the two countries. There can, I think, be little doubt, when Bombay and the whole of India send and receive a weekly Mail instead of two in a month, the increase of correspondence will, before long, make up the deficiency. The service will be self-supporting.

13. I should have been glad to have exact accounts on which to base the above estimate, but time will not admit of my attempting to procure them, and I have some confidence that I have not over-estimated the probable receipts.

14. As the proposal to increase the rates of postage has been negatived, I need not discuss that part of the question.

15. With regard to the proposal that the Imperial and Indian Government should each pay half the subsidy, and keep all the postage they collect, I would observe that the arrangement would involve a loss to the Indian Revenue, as the number of articles received by Post from countries in Europe greatly exceeds the number sent from hence.

16. I fear that I do not rightly comprehend the reason given for the assumption that a decrease in the number of Mails sent viâ Gibraltar to Egypt would not result in any decrease on the subsidy. Speed is not of material consequence on that line; and if the requirements of commerce between Great Britain and Alexandria are such that Steamers would be on the line whether subsidized or not, it seems to me only reasonable to suppose that a very moderate sub-

sidy would be sufficient to induce one of the competing Companies at Southampton or Liverpool to time the departure of one Steamer a month, so as to suit the requirements of the Post Office; and I fail to comprehend why the same sum should be demanded for the conveyance of twelve Mails a year as for forty-eight.

17. The importance of a frequent Mail communication between India and England is so great, that I should hope that the Government of India would feel justified in at once taking upon itself the responsibility of establishing a weekly service between Suez and Bombay, and of abandoning, for Postal purposes, the Suez and Calcutta line. The correspondence between Great Britain and India may be expected, before long, to defray the whole cost of the service between India and England. Any question as to the sum, if any, to be paid by India for the maintenance of other lines in the Eastern Seas is beyond my province; but I hope that the Postal interests of the British and Indian public will not be sacrificed to any difference of opinion on this subject. I believe that if not at once, yet in the course of a year or two, the Mail service between Bombay and England will be self-supporting; and, if so, its establishment should not be delayed because other lines are a burthen on the revenue.

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CALCUTTA, SATURDAY, MARCH 24, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 9th March 1866, and is hereby promulgated for general information :—

ACT No. IX OF 1866.

An Act to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865" and of Act No. XXIX of 1865.

Preamble.

Whereas it is expedient to extend to the Sudder Court of the North-Western Provinces certain provisions of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865" and of Act No. XXIX of 1865; It is enacted as follows :—

Power to Sudder Court, N. W. P., to make rules as to Pleaders and Mookhtars of such Court.

1. Notwithstanding any thing contained in "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," the said Sudder Court shall have power to make rules for the qualification, admission and enrolment of proper persons to be Pleaders and Mookhtars of such Court, for the fees to be paid for the examination, admission and enrolment of such persons, and, subject to the provisions contained in the same Act, for the suspension and dismissal of the Pleaders so admitted and enrolled. The said Court may also from time to time vary and add to such rules.

Certain provisions contained in Act No. XX of 1865 and in Act No. XXIX of 1865 to apply to Pleaders and Mookhtars practising in such Court.

2. The provisions contained in Sections 5 to 12 (both inclusive), 14, 15, 18, 37, 39 and 41 of "The Pleaders, Mookhtars and Revenue Agents' Act, 1865," and in Sections 1 and 2 of Act No. XXIX of 1865, shall, *mutatis mutandis*, apply to Pleaders and Mookhtars practising in the said Sudder Court.

This Act to be read with Act No. XX of 1865.

3. This Act shall be read with and taken a part of "The Pleaders Mookhtars and Revenue Agents' Act, 1865."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th March 1866, and was referred to a Select Committee with instructions to make their report thereon in a fortnight :—

No. 7 OF 1866.

A Bill to provide for the Establishment of a Public Museum at Calcutta.

Preamble.

Whereas it is expedient to provide for the establishment of a Public Museum at Calcutta, to be called the Indian Museum; It is enacted as follows :—

Building to be erected for Indian Museum.

1. The Governor General of India in Council shall cause to be erected at the expense of the Government of India, a suitable building in Calcutta on or near the site now occupied by the Small Cause Court, to be devoted in part to collections illustrative of Indian archæology and of the several branches of Natural History, in part to the preservation and exhibition of other objects of interest, whether historical, physical, or economical, in part to the records and offices of the Geological Survey of India, and in part to the fit accommodation of the Asiatic Society of Bengal and to the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings and other property.

Building to be erected according to plans approved by the Secretary to the Department of Public Works and the Council of the Asiatic Society.

2. The said building shall be constructed according to such plans and specifications as shall have been approved of and agreed upon by and between the Secretary to the Government of India in the Public Works Department for the time being and the Council of the said Society; and in case

the said Secretary and Council shall be unable to agree with reference to any such plans or specifications, the point or points on which they shall so disagree shall be referred to the final decision of the Governor General of India in Council. Such building shall be completed, so far as to be in a condition to receive the collections mentioned in the eleventh Section of this Act, within five years from the date of the passing of this Act; and the building shall be kept in repair, and the salaries, allowances and pensions of the Officers and servants and all other expenses connected with the said Indian Museum shall be paid and defrayed, at the expense of the Government of India.

Trustees of the Indian Museum incorporated.

3. The Chief Justice of the High Court of Judicature at Fort William in Bengal,

the Bishop of Calcutta,

the Vice-Chancellor of the University of Calcutta,

the Secretary to the Government of India in the Home Department,

four other persons to be nominated by the Governor General of India in Council,

the President of the Asiatic Society of Bengal and three other Members of the said Society for the time being, to be nominated by the Council of the said Society,

and their successors, appointed as hereinafter directed and subject to the provisions hereinafter contained, shall be and are hereby constituted a Body Corporate by the name of the "Trustees of the Indian Museum," and shall have a common seal, and by such name shall have perpetual succession; and all the powers of the said Corporation may be exercised so long and so often as there shall exist five Members thereof.

Trustees empowered to receive bequests, donations and subscriptions.

4. It shall be lawful for the said Body Corporate to receive bequests, donations and subscriptions of land, buildings, money, and any such objects of interest as aforesaid, and to hold the same and to lay out such money for the purposes of the said Indian Museum in the improvement and enlargement of the collections vested in, presented to or purchased for the said Museum, or deposited therein; and the said Body Corporate shall have the exclusive possession, occupation and control for the purposes of their Trusts herein mentioned of the said building other than those portions thereof which upon its completion shall be set apart by the said Body Corporate for the accommodation of the said Society, and the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings, and other property.

Ex-officio Members.

5. The persons for the time being holding the offices respectively mentioned in Section 3 of this Act shall be ex-officio Members of the said Body Corporate, and shall cease to be such Members respectively upon ceasing to hold the said offices respectively. In the event of any two of the said offices being held by the same person, it shall be lawful for the Governor-General of India in Council from time to time to nominate such other person as to him may seem fit, to be a Trustee under this Act so long as the said two offices shall be held by one person. Provided that when and so often as the said Chief Justice, Bishop, Vice-Chancellor or Secretary to the Government of India in the Home Department shall also be the President of the said Society, the Council of the Society may nominate any other person being a Member of the Society to be a Trustee under this Act so long as such Presidency shall be held by the said Chief Justice, Bishop, Vice-Chancellor or Secretary.

Provision for case of two offices being held by one person.

Power to appoint new Trustees.

6. If any of the said Trustees to be nominated by the Governor-General of India in Council or by the Council of the said Society, or any Trustee appointed as herein provided, shall die or be absent from India for a period exceeding twelve months, or desire to be discharged, or refuse or become incapable to act, then and in every such case it shall be lawful for the Governor-General of India in Council or the Council of the said Society, as the case may be, to appoint a new Trustee in the place of the Trustee so dying or being absent from India or desiring to be discharged or refusing or becoming incapable to act as aforesaid, and every Trustee so appointed shall thereupon become and be a Member of the said Body Corporate as fully and effectually as if he had been hereby constituted a Trustee.

Quorum.

7. At all meetings of the said Body Corporate five shall be a quorum for the transaction of business.

Power to Trustees to make, alter and repeal bye-laws and to appoint officers and servants.

8. It shall be lawful for the said Body Corporate from time to time to make, alter and repeal bye-laws consistent with this Act for the management of the said Museum, for the summoning, holding and adjournment of general and special meetings of Members of the Body Corporate, for securing the attendance of the Members at such meetings, for the provision and keeping of minute-books and account-books, for the compiling of catalogues and for all other purposes necessary for the execution of their Trusts. And (subject to the provision contained in the fifteenth Section of this Act) all officers and servants, salaried or otherwise, employed in the care or management of the Trust property shall be appointed, and may be removed or suspended by the said Body Corporate, subject to such regulations and conditions as such Body Corporate shall think proper.

Trustees may exchange or sell duplicates.

9. It shall be lawful for the Trustees from time to time, to order any duplicates of printed books, medals, coins, specimens of Natural History, or other curiosities to be exchanged for manuscripts, books, or other objects of interest, or to direct any such duplicates to be sold and the money to arise from such sale to be laid out in the purchase of manuscripts, books, maps, medals, coins, specimens of Natural History, or other curiosities that may be proper for the said Museum. But nothing herein contained shall be taken to authorise the exchange or sale of any of the articles mentioned in the fourteenth Section of this Act.

10. The said Trustees shall furnish to the Government of India, on or before the first day of December in each year, a report of their several proceedings, acts, and ordinances for the past twelve months, and further shall furnish on or before the same day in each year to such Auditor as the Governor General of India in Council shall appoint in this behalf accounts of all monies expended by the Trustees during the past twelve months supported by the necessary vouchers. The said report and accounts shall be annually published for general information.

Trustees shall furnish annual reports and accounts.

11. The Council of the said Society shall cause the collections belonging to the Society and illustrative of Indian archæology and the several branches of Natural History and all additions that may be made thereto to be removed to the said building, at the expense of the Government of India, as soon as the same shall be completed so far as aforesaid; and such collections shall thereupon, subject to the provisions contained in this Act, become the property of the said Trustees.

Asiatic Society to remove their collections to the new building.

12. The Council of the said Society shall continue to have the same exclusive control over their said Library, Manuscripts, Maps, Coins, Busts, Pictures and Engravings, which they at present possess, and shall have the exclusive possession, occupation and control, for the purposes of the said Society, of those portions of the said building which shall, upon its completion, be set apart, as hereinbefore is mentioned.

Council of the Asiatic Society to retain their exclusive control over the Library and to have exclusive possession of the portions of the new building to be set apart for the Society.

13. It shall be lawful for the said Society at any time after their said collections shall have been removed to and deposited within the said building so to be erected as aforesaid, to sell, exchange or lease the house, garden, and appurtenances now vested in them, as if this Act had not been passed.

Asiatic Society to have power to dispose of their present house.

14. Every article in the said collections of the said Society shall be marked and numbered and shall be kept and preserved in the said Indian Museum with such marks and numbers, and an inventory of such articles shall be made by the said Society and, on such articles being deposited as aforesaid, one copy of such inventory shall be signed by the said Trustees, and kept by the said Society, and another copy shall be signed by the Council of the said Society, and kept by the said Trustees. And the said Trustees shall see that all such articles are adequately insured against loss or damage by fire (so far as the same are capable of being so insured) and properly preserved at the expense of the Government of India.

Collections of Asiatic Society to be kept distinguished in the Museum.

15. Until the said building shall be completed, so far as aforesaid, the said collections of the said Society, and all additions thereto, shall remain in the house in which they are at present, but under the care of such persons as by the said Chief Justice, the Vice-Chancellor of the University, and the President of the said Society shall be approved and nominated in this behalf, with such salaries and allowances as, subject to the approval of the Government of India, the Trustees shall limit and direct; and the said collections shall be open to all persons desirous to view the same, under such rules as by the said Trustees shall be established, and the said salaries and allowances shall be paid by the Government of India.

Custody of the collections of the Asiatic Society until completion of the new building.

16. In the event of the Trust hereby constituted being determined, all collections then in the said Indian Museum which shall have become the property of the said Trustees under the eleventh Section of this Act shall again become the property of the said Society or their assigns, and the said Society shall vacate the portions of the said building which shall have been set apart as hereinbefore is mentioned and such portions shall then become the property of the Government of India, anything in this Act contained to the contrary notwithstanding.

In case of determination of Trust, Asiatic Society may reclaim their collections.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to provide for the establishment of a Public Museum at Calcutta, to be called "the Indian Museum;" and the Bill originates in an agreement between the Government of India and the Asiatic Society of Bengal.

By this agreement the Government undertakes to erect a suitable building, to be devoted in part to collections illustrative of Indian Archæology and of the several branches of Natural History, in part to the preservation and exhibition of other objects of interest, in part to the records and offices of the Geological Survey of India, and in part to the exclusive accommodation of the Asiatic Society, and the reception of their library, manuscripts, coins, &c. The Government will also defray the expenses of the establishment of the Indian Museum. The Society, on the other hand, consent to surrender to the Trustees of the Museum their collections illustrative of Archæology and Natural History, provided that if the trust determine, these collections shall revert to the Society.

Besides the clauses necessary to carry out this agreement, the Bill provides for the incorporation of a body of twelve Trustees and their successors; gives power to appoint new Trustees; declares the quorum of the Body Corporate; enables them to make bye-laws, to appoint officers and servants, and to exchange or sell duplicates; and requires them to furnish annual reports and accounts.

H. S. MAINE.

The 3rd March 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th March 1866, and was referred to a Select Committee with instructions to make their report thereon in a fortnight :—

No. 8 OF 1866.

A Bill to empower the Committees appointed under the Seventh Section of Act No. XX of 1863 to raise the costs and expenses incurred in the performance of their duties, and for other purposes.

Preamble.

Whereas it is expedient to empower the Committees appointed under the seventh Section of Act No. XX of 1863, *(to enable the Government to divest itself of the management of Religious Endowments)* to raise the costs and expenses incurred in the performance of the duties imposed upon them by the said Act; and whereas it is necessary to provide for the appointment of new Members of such Committees in the place of any such Members desiring to be discharged; It is enacted as follows :—

Power to raise costs of management.

1. It shall be lawful for every such Committee from time to time to pay or cause to be paid out of the income, or to raise or cause to be raised out of the capital, of the property of any religious establishment under their superintendence or management, such sums of money as shall be required to defray the costs and expenses incurred from time to time in relation to or concerning such superintendence or management. Every Trustee, Manager, Superintendent and other person in whom all or any part of such property may be vested shall be bound to make such payments out of the said income, and to execute such conveyances of the said capital as may be necessary to effect the purposes of this Act; and, in default of compliance with any of the provisions of this Section, he shall be liable to a fine of one hundred rupees.

Purchasers and mortgagees not bound to enquire into necessity of sale or mortgage under this Act.

2. No person taking under any sale, mortgage or other disposition purporting to be made under the powers conferred by this Act, shall be bound to enquire into the necessity or expediency thereof, or to see that no more than is required is raised.

Enactment of new Section in lieu of Section 9 of Act XX of 1863.

3. Section 9 of the said Act is hereby repealed, and in lieu thereof the following shall be substituted :—

"Every member of a Committee appointed as aforesaid shall hold his office for life, unless he be absent from India or desire to be discharged, or refuse or become incapable to act, or unless he shall be removed as hereinafter provided; and in every such case a vacancy, within the meaning of the tenth Section of this Act, shall be considered to have occurred."

This Act to be read with Act No. XX of 1863.

4. This Act shall be read with and taken as part of the said Act No. XX of 1863.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, which has been prepared at the request of the Madras Government, is to supply two defects in Act XX of 1863.

The Committees appointed in pursuance of that Act are not empowered to raise out of the property belonging to the religious establishments under their superintendence the expenses necessarily incurred in the performance of the duties imposed upon them by Section 13, although, under Section 14, they are liable to be sued for neglect of those duties. Little difficulty would of course arise if that property were always vested in the Committees; but occasionally in Bengal and universally in Madras, it is now in the hands of the Trustees or Managers of the several Mosques and Temples superintended by the Committees.

Act No. XX of 1863, moreover, makes no provision for the appointment of a new Committee-man in the place of any member of a Committee wishing to resign.

The present Bill empowers Committees to raise the amount required by sale or mortgage of the funds in their hands or in the possession of religious establishments subject to their superintendence, compels the Trustees and Managers of those establishments, if necessary, to join in the disposition, and relieves purchasers and mortgagees from the necessity of enquiring into the propriety of the transaction. It further authorizes the appointment of a new Committee-man, not only in the case above mentioned, but also in that of a member leaving India.

H. S. MAINE.

The 27th February 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 9th March 1866, and was referred to a Select Committee with instructions to make their report thereon in a fortnight :—

No. 9 OF 1866.

A Bill to relieve the Governor-General of India in Council from the duty of signing the Commissions mentioned in Sections 22 and 44 of the High Courts' Criminal Procedure Amendment Act, 1865.

Preamble.

Whereas it is expedient to relieve the Governor-General of India in Council from the duty of signing the Commissions respectively mentioned in Sections 22 and 44 of "The High Courts' Criminal Pro-

cedure Amendment Act, 1865"; It is enacted as follows:—

Seal to be made.

1. A seal shall be made at the expense of the Government of India with this inscription, "The seal of the Governor-General of India in Council," and shall be kept in the custody of such person as the Governor-General of India in Council shall from time to time appoint in that behalf, and the Commissions respectively mentioned in Sections 22 and 44 of "The High Courts' Criminal Procedure Amendment Act, 1865," may be stamped with such seal by such person as the Governor-General of India in Council shall from time to time appoint in that behalf; and when so stamped shall be equally valid and effectual as if they had been signed by the Governor-General of India and the Members of his Council.

Stamping of Commissions under Act No. XIII of 1865, Sections 22 and 44.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to relieve the Governor-General and the Members of his Council from the duty of signing the Judges' Commissions mentioned in Sections 22 and 44 of the High Courts' Criminal Procedure Amendment Act, 1865. In the absence of such provision much inconvenience might be caused, for it is impossible to say when the necessity for issuing such Commissions may arise, and the Council might then be absent from the Presidency.

The Bill provides that a proper seal shall be made, that it shall be kept and used by such persons as the Governor-General in Council shall appoint, and that the Commissions stamped with it shall be as effectual as if they had been signed by the Governor-General and the Members of his Council.

H. S. MAINE.

The 6th March 1866.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept., (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 12th March 1866, and is hereby promulgated for general information:—

THE INDIAN COMPANIES' ACT, 1866.

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ACT No. X OF 1866.

An Act for the incorporation, regulation, and winding-up of Trading Companies and other Associations.

Preamble.

Whereas it is expedient that the laws relating to the incorporation, regulation, and winding-up of Trading Companies and other associations should be consolidated and amended; It is enacted as follows:—

Preliminary.

Short Title.

1. This Act may be cited for all purposes as "The Indian Companies' Act, 1866."

Commencement of Act.

2. This Act shall come into operation on the first day of May 1866, and the time at which it so comes into operation is hereinafter referred to as the commencement of this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context:—

"British India." "British India" means the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., Cap. 106, entitled "An Act for the better Government of India:"

"Year." "Month." "Year" and "month" respectively denote a year and month reckoned according to the British calendar:

"Insurance Company." An "Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses:

"Court." "Court" means the principal Civil Court of original jurisdiction in a District, and includes the High Court in the exercise of its ordinary original Civil jurisdiction:

"District Court." "District Court" means the principal Civil Court of original jurisdiction in a District, but does not include the High Court in the exercise of its ordinary original Civil jurisdiction;

"Local Government." "High Court." And, in any part of British India in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such part and includes a Chief Commissioner; and "High Court" denotes the highest Civil Court of appeal therein.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than ten persons shall be formed, after the commencement of this Act, for the purpose of carrying on the business of banking, unless it is registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor-General of India in Council, or by Royal Charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed, after the commencement of this Act, for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

Division of Act.

5. This Act is divided into nine Parts, relating to the following subject-matters:—

The first Part—to the constitution and incorporation of Companies and Associations under this Act:

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act:

The third Part—to the management and administration of Companies and Associations under this Act:

The fourth Part—to the winding-up of Companies and Associations under this Act:

The fifth Part—to the Registration Office:

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 *(for the incorporation and regulation of Joint Stock Companies and other associations either with or without limited liability of the members thereof)* and Act No. VII of 1860 *(to enable Joint Stock Banking Companies to be formed on the principle of limited liability)*, or either of them:

The seventh Part—to Companies authorized to register under this Act:

The eighth Part—to the application of this Act to unregistered Companies:

The ninth Part—to repeal of Acts.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association, and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability.

Mode of limiting liability of members.

7. The liability of the members of a Company formed under this Act may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the Company in the event of its being wound up.

Memorandum of association of a Company limited by shares.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the memorandum of association shall contain the following things; (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that the liability of the members is limited:

(5.) The amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount,

Subject to the following regulations:—

(1.) That no subscriber shall take less than one share.

(2.) That each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes.

Memorandum of association of a Company limited by guarantee.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up, hereinafter referred to as a Company limited by

guarantee, the memorandum of association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

Memorandum of association of an unlimited Company.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members, hereinafter referred to as an Unlimited Company, the memorandum of association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established.

Stamp, signature, and effect of memorandum of association.

11. The memorandum of association shall bear the same stamp as if it were a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in the memorandum contained on the part of himself, his heirs, executors and administrators, a covenant to observe all the conditions of such memorandum, subject to the provisions of this Act

Power of certain Companies to alter memorandum of association.

12. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized to do so by its regulations as originally framed, or as altered by Special Resolution in manner hereinafter mentioned, as to increase its capital, by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid-up shares into stock, but, save as aforesaid, and save as hereinafter provided in the case of a change of name, no alteration shall be made by any Company in the conditions contained in its memorandum of association.

Power of Companies to change name.

13. Any Company under this Act, with the sanction of a Special Resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government testified in writing under the hand of one of the Secretaries to such Government, may change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Articles of Association.

Regulations to be prescribed by Articles of Association.

14. The memorandum of association may, in the case of a Company limited by shares, and shall, in the case of a Company limited by guarantee or unlimited, be accompanied, when registered, by Articles of Association signed by the subscribers to the memorandum of association, and prescribing such regulations for the Company as the subscribers to the memorandum of association deem expedient. The Articles shall be expressed in separate paragraphs, numbered arithmetically: They may adopt all or any of the provisions contained in the Table marked A in the first Schedule hereto. They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered; and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration. In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the memorandum of association the number of shares he takes.

Application of Table A.

15. In the case of a Company limited by shares, if the memorandum of association is not accompanied by Articles of Association, or, in so far as the Articles do not exclude or modify the regulations contained in the Table marked A in the first Schedule hereto, the last mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company in the same manner and to the same extent as if they had been inserted in Articles of Association and the Articles had been duly registered.

Stamp, signature, and effect of Articles of Association.

16. The Articles of Association shall be printed, they shall bear the same stamp as if they were contained in a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in such Articles contained a covenant on the part of himself, his heirs, executors and administrators, to conform to all the regulations contained in such Articles, subject to the provisions of this Act. All monies payable by any member to the Company, in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of memorandum of association and Articles of Association with fees as in Table B.

17. The memorandum of association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies hereinafter mentioned, who shall retain and register the same. There shall be paid to the Registrar by a Company having a capital, divided into shares, in respect of the several matters mentioned in the Table marked B in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor-General of India in Council may from time to time direct, and by a Company not having a capital divided into shares, in respect of the several matters mentioned in the Table marked C in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor-General of India in Council may from time to time direct. All fees paid to the said Registrar in pursuance of this Act shall be accounted for to Government.

Effect of registration.

18. Upon the registration of the memorandum of association and of the Articles of Association in cases where Articles of Association are required by this Act, or by the desire of the parties to be registered, the Registrar shall certify under his hand

that the Company is incorporated, and in the case of a Limited Company that the Company is limited. The subscribers of the memorandum of association, together with such other persons as may from time to time become members of the Company, shall thereupon be a Body Corporate by the name contained in the memorandum of association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company in the event of the same being wound up as is hereinafter mentioned. A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

Copies of memorandum and Articles to be given to members.

19. A copy of the memorandum of association having annexed thereto the Articles of Association, if any, shall be forwarded to every member, at his request, on payment of the sum of one rupee, or such less sum as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the memorandum of association and Articles of Association, if any, to a member in pursuance of this Section, the Company so making default shall for each offence incur a penalty not exceeding twenty rupees.

Prohibition against identity of names in Companies.

20. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved and testifies its consent in such manner as the Registrar requires. If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

PART II.

Distribution of Capital and Liability of Members of Companies and Associations under this Act.

Distribution of Capital.

Nature of interest in Company.

21. The shares or other interest of any member in a Company under this Act shall be moveable property capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "Member."

22. The subscribers of the memorandum of association of any Company under this Act shall be deemed to have agreed to become members of the Company whose memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the Register of Members hereinafter mentioned; and every other person who has agreed to become a member of a Company under this Act, and whose name is entered on the Register of Members, shall be deemed to be a member of the Company.

Transfer by personal representative.

23. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Register of Members.

24. Every Company under this Act shall cause to be kept in one or more books a Register of its members, and there shall be entered therein the following particulars:—

(1.) The names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member:

(2.) The date at which the name of any person was entered in the register as a member:

(3.) The date at which any person ceased to be a member.

Any Company acting in contravention of this Section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

Annual list of members.

25. Every Company under this Act and having a capital divided into shares shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the Ordinary General Meeting, or if there is more than one Ordinary Meeting in each year the first of such Ordinary General Meetings is held, are members of the Company. Such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

(1.) The amount of the capital of the Company and the number of shares into which it is divided:

(2.) The number of shares taken from the commencement of the Company up to the date of the summary:

(3.) The amount of calls made on each share:

(4.) The total amount of calls received:

(5.) The total amount of calls unpaid:

(6.) The total amount of shares forfeited:

(7.) The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the Register, and shall be completed within seven days after such fourteenth day as is mentioned in this Section, and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

Penalty on Company, &c., not keeping a proper Register.

26. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

27. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall within fifteen days of such consolidation, division or conversion, give notice to the Registrar of Joint Stock Companies of the same, specifying the shares so consolidated, divided or converted.

Company to give notice of consolidation or of conversion of capital into stock.

28. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock, and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the Register of Members hereby required to be kept by the Company, and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list instead of the amount of shares and the particulars relating to shares hereinbefore required.

Effect of conversion of shares into stock.

29. No notice of any trust, express, implied or constructive, shall be entered on the Register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Entry of trusts on Register.

30. A certificate under the common seal of the Company, specifying any share or shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Certificate of shares or stock.

31. The Register of Members, commencing from the date of the registration of the Company, shall be kept at the registered Office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall during business hours, but subject to such reasonable restrictions as the Company in General Meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the Company may prescribe for each inspection. Every such member or other person may require a copy of such Register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of two annas for every hundred words required to be copied. If such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues. Every Director and Manager of the Company who shall knowingly authorize or permit such refusal shall incur the like penalty. In addition to the above penalty, any Judge of a High Court may by order compel an immediate inspection of the Register.

Inspection of Register.

32. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Members for any time or times not exceeding in the whole thirty days in each year.

Power to close Register.

33. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and, where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar, in the case of an increase of capital within fifteen days from the date of the passing of the Resolution by which such increase has been authorized, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the Registrar shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues, and every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Notice of increase of capital and of members to be given to Registrar.

34. If the name of any person is without sufficient cause entered in, or omitted from, the Register of Members of any Company under this Act, or if default is made, or unnecessary delay takes place, in entering on the Register the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original Civil jurisdiction in the district or place in which the registered Office of the Company is situate, apply for an order of the Court that the Register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the Register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained. The Court may in any proceeding under this Section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the Register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the Register; provided that the Court may direct an issue to be tried in which any question of law may be raised, and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Remedy for improper entry or omission of entry in Register.

35. Whenever any order has been made for rectifying the Register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Notice to Registrar of rectification of Register.

36. The Register of Members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Register to be evidence.

Liability of Members.

37. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company, and the costs, charges and expenses of the winding-up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following; (that is to say)—

Liability of present and past members of Company.

(1.) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding-up:

(2.) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(3.) No past member shall be liable to contribute to the assets of the Company, unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(4.) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(5.) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the memorandum of association:

(6.) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(7.) No sum due to any member of a Company in his character of a member by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered Office of Company.

38. Every Company under this Act shall have a registered Office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an Office, it shall incur a penalty not exceeding fifty rupees for every day during which business is so carried on.

Notice of situation of registered Office.

39. Notice of the situation of such registered Office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having a registered Office.

Publication of name by a Limited Company.

40 Every Limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every Office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language, and also, if the registered Office be situate in a district beyond the local limits of the ordinary original Civil jurisdiction of a High Court, in one of the vernacular languages used in such district, and shall have its name engraven in legible characters in such language or languages on its seal, and shall have its name mentioned in legible characters in such language or languages in all notices, advertisements and other official publications of such Company, and in all Bills of Exchange, Hundís, Promissory Notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts and letters of credit of the Company.

Penalties on non-publication of name.

41. If any Limited Company under this Act does not paint or affix and keep painted or affixed its name, in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name and for every day during which such name is not so kept painted or affixed. Every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty If any Director, Manager or Officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company, any Bill of Exchange, Hundí, Promissory Note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hundí, Promissory Note, cheque or order for money or goods, for the amount thereof, unless the same is duly paid by the Company.

Contracts how made.

42. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say)—

(1.) Any contract which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company, and such contract may be in the same manner varied or discharged:

(2.) Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company, and such contract may in the same manner be varied or discharged:

(3.) Any contract which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be.

Register of mortgages.

43. Every Limited Company under this Act shall keep a Register of all mortgages and charges specifically affecting property of the Company, and shall enter in such Register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created and the names of the mortgagees or persons entitled to such charge. If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every Director, Manager or other Officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding five hundred rupees. The Register of mortgages required by this Section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding fifty rupees and a further penalty not exceeding twenty rupees for every day during which such refusal continues. In addition to the above penalty any Judge of the High Court may by order compel an immediate inspection of the Register.

Certain Companies to publish statement entered in Schedule.

44. Every Limited Banking Company and every Insurance Company, and Deposit, Provident or Benefit Society under this Act shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first Schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered Office of the Company and in every branch Office or place where the business of the Company is carried on. If default is made in compliance with the provisions of this Section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this Section shall be entitled to a copy of the abovementioned statement on payment of a sum not exceeding eight annas.

List of Directors to be sent to Registrar.

45. Every Company under this Act and not having a capital divided into shares shall keep at its registered Office a Register containing the names and addresses and the occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a copy of such Register, and shall from time to time notify to the Registrar any change that takes place in such Directors or Managers.

Penalty on Company not keeping Register of Directors.

46. If any Company under this Act and not having a capital divided into shares makes default in keeping a Register of its Directors or Managers, or in sending a copy of such Register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such Directors or Managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Promissory Notes, Bills of Exchange and Hundís.

47. A Promissory Note, Bill of Exchange or Hundí shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf or on account of the Company, by any person acting under the authority of the Company.

Prohibition against carrying on business with less than seven members.

48. If any Company under this Act carries on business when the number of its members is less than seven for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Provisions for Protection of Members.

General Meeting of Company.

Balance-sheet.

49. A General Meeting of every Company under this Act shall be held once at the least in every year. A balance-sheet shall be made out in every year, and laid before the Company in General Meeting and filed with the Registrar of Joint Stock Companies, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to Table A in the first Schedule hereto, or as near thereto as circumstances admit. And once at the least in every year the accounts of the Company shall be examined and the correctness of the balance-sheet ascertained by one or more auditor or auditors. If default is made in compliance with any of the provisions of this Section, every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to a penalty of one thousand rupees.

Audit.

Power to alter regulations by Special Resolution.

50. Subject to the provisions of this Act, and to the conditions contained in the memorandum of association, any Company formed under this Act may, in General Meeting, from time to time, by passing a Special Resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the Articles of Association, or in the Table marked A in the first Schedule where such Table is applicable to the Company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company. Any regulations so made by Special Resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the Articles of Association, and shall be subject in like manner to be altered or modified by any subsequent Special Resolution.

Definition of Special Resolution.

51. A Resolution passed by a Company under this Act shall be deemed to be special, whenever a Resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed) at any General Meeting of which notice specifying the intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy at a subsequent General Meeting of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such Resolution was first passed. At any meeting mentioned in this Section, unless a poll is demanded by at least five members, a declaration of the Chairman that the Resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notice of any meeting shall, for the purposes of this Section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this Section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Provision where no regulations as to meetings.

52. In default of any regulations as to voting every member shall have one vote, and in default of any regulations as to summoning General Meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the Table marked A in the first Schedule hereto. In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and in default of any regulations as to who is to be Chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registry of Special Resolutions.

53 A copy of every Special Resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of Joint Stock Companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the Resolution, the Company shall incur a penalty not exceeding twenty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Copies of Special Resolutions.

54. Where Articles of Association have been registered, a copy of every Special Resolution for the time being in force shall be annexed to or embodied in every copy of the Articles of Association that may be issued after the passing of such Resolution. Where no Articles of Association have been registered, a copy of every Special Resolution shall be forwarded in print to any member requesting the same, on payment of one rupee or such less sum as the Company may direct. If any Company makes default in complying with the provisions of this Section, it shall incur a penalty not exceeding twenty rupees for each copy in respect of which

such default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Execution of deeds abroad.

55. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its Attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such Attorney on behalf of the Company and under his seal, shall be binding on the Company and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by Inspectors.

56 The Local Government may appoint one or more competent Inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following; (that is to say)—

(1.) In the case of a Banking or any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(2.) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the Register of the Company as members.

Application for inspection to be supported by evidence.

57. The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same. The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any Inspector or Inspectors.

Inspection of books.

58. It shall be the duty of all Officers and Agents of the Company to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath or affirmation the Officers and Agents of the Company in relation to its business, and may administer such oath or affirmation accordingly. If any such Officer or Agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each offence.

Result of examination how dealt with.

59. Upon the conclusion of the examination, the Inspectors shall report their opinions to the Local Government. Such report shall be written or printed as the Local Government directs. A copy shall be forwarded by the Local Government to the registered Office of the Company, and a further copy shall, at the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them. All expenses of and incidental to any such examination as aforesaid shall be defrayed by the members upon whose application the Inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Power of Company to appoint Inspectors.

60. Any Company under this Act may by a Special Resolution appoint Inspectors for the purpose of examining into the affairs of the Company. The Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the Local Government, with this exception, that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in General Meeting directs. The Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document hereby required to be produced to such Inspectors or to answer any question, as they would have incurred if such Inspectors had been appointed by the Local Government.

Report of Inspectors to be evidence.

61. A copy of the report of any Inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding as evidence of the opinion of the Inspectors in relation to any matter contained in such report.

Notices.

Service of notices on Company.

62. Any summons, notice, order or other document required to be served upon the Company, may be served by leaving the same, or sending it through the Post by a registered letter addressed to the Company, at their registered Office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the Post by a registered letter, or by delivering it to him, or by leaving it for him at his Office.

Rules as to notices by letter.

63. Every document to be served by Post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the Post Office.

Authentication of notices by Company.

64. Any summons, notice, order or proceeding requiring authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Evidence of proceedings at meetings.

65. Every Company under this Act shall cause minutes of all Resolutions and proceedings of General Meetings of the Company, and of the Directors or Managers of the Company in cases where there are Directors or Managers, to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the Chairman of the meeting at which such Resolutions were passed or proceedings had, or by the Chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings. Until the contrary is proved, every General Meeting of the Company or meeting of Directors or Managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all Resolutions passed thereat or proceedings had, to have been duly passed and had, and all appointments of Directors, Managers or Liquidators shall be deemed to be valid, and all acts done by such Directors, Managers or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

66. Where a Limited Company is plaintiff in any suit, any Judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Provision as to costs in suits brought by certain Limited Companies.

67. In any suit brought by the Company against any member to recover any call or other monies due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Plaint in suits against member.

Alteration of Forms.

68. The forms set forth in the second Schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer. The Governor General of India in Council may from time to time make such alterations in the Tables and forms contained in the first Schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said Schedule mentioned, and in the forms in the second Schedule, or make such additions to the last mentioned forms, as he deems requisite. Any such Table or form, when altered, shall be published in the Gazette of India, and upon such publication being made, such Table or form shall have the same force as if it were included in the Schedule to this Act, but no alteration made by the Governor-General of India in Council in the Table marked A contained in the first Schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such Table.

Governor-General in Council may alter forms in Schedule.

Arbitrations

69. Any Company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing body of such Companies.

Power for Companies to refer matters to arbitration.

70. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions or stipulations thereof.

Power to alter or revoke agreements for reference.

71. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the Companies, and may and shall be carried into full effect.

Agreements to be carried into effect.

72. Where the Companies agree, the reference shall be made to a single Arbitrator.

Reference to Arbitrator

73. Except where the Companies agree that the reference shall be made to a single Arbitrator, the reference shall be made as follows; to wit—

Reference to two or more Arbitrators.

Where there are two Companies, the reference shall be made to two Arbitrators:

Where there are three or more Companies, the reference shall be made to so many Arbitrators as there are Companies.

74. Where there are to be two or more Arbitrators, every Company shall by writing under their common seal appoint one of the Arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of Arbitrators by Companies.

75. Where there are to be two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator. The Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Local Government.

76. When the reference is made to two or more Arbitrators, if before the matters referred to them are determined any Arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an Arbitrator in his place.

Appointment of Arbitrators by Companies to supply vacancies.

77. Where the Company by which an Arbitrator ought to be appointed in the place of the Arbitrator so deceased, incapable, unfit or failing to act, fails to make the appointment within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an Arbitrator. The Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Local Government to supply vacancies.

78. When any appointment of an Arbitrator is made, the Company making the appointment shall have no power to revoke the same without the previous consent in writing of the other Company or every other Company in writing under their common seal.

Appointment of Arbitrator not revocable.

79. Where two or more Arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their Umpire.

Appointment of Umpire by Arbitrators.

80. If the Arbitrators do not appoint an Umpire within seven days after the reference is made to the Arbitrators, then, on the application of the Companies or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Local Government.

81. Where two or more Arbitrators are appointed, if before the matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Umpire, the Arbitrators shall by writing under their hands appoint an impar-

Appointment of Umpire by Arbitrators to supply vacancy

tial and qualified person to be their Umpire in his place

Appointment of Umpire by Local Government to supply vacancy.

82. If the Arbitrators fail to appoint an Umpire within seven days after notice in writing to them of the decease, incapacity, unfitness or failure to act of their Umpire, then, on the application of the Companies or any of them, the Local Government may appoint an Umpire. The Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have powers of predecessors.

83. Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to Umpire.

84. Where there are two or more Arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c., to call for books, &c., and administer oath.

85. The Arbitrator, and the Arbitrators, and the Umpire respectively may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath or affirmation, and may administer the requisite oath or affirmation.

Procedure in the arbitration.

86. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

87. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several awards may be made.

88. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred. Every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the Arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

89. The award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in writing under his or their respective hand or hands and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement within thirty days next after the matters in difference are referred to (as the case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Power for Umpire to extend period for making his award.

90. Provided always that (except where and as the Companies otherwise agree) the Umpire, from time to time by writing under his hand, may extend the period within which his award is to be made. If it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

91. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

92. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted or suffered, shall be done, omitted or suffered accordingly.

Agreements, arbitrations and awards to have effect.

93. Full effect shall be given by the Courts according to their respective jurisdictions, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations and awards in accordance with this Act; and the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame, for the purpose

Costs of arbitration and award.

94 Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrator, and the Arbitrators, and the Umpire respectively.

Payment of costs.

95. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

96. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder

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PART IV.

Winding-up of Companies and Associations under this Act.

Preliminary.

Meaning of contributory.

97 The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

98 The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times

when calls are made as hereinafter mentioned for enforcing such liability; and it shall be lawful in the case of the insolvency of any contributory to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

Contributories in case of death.

99 If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in a due course of administration to contribute to the assets of the Company in discharge of the liability of such deceased contributory, and such personal representatives, heirs and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

100 If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding-up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law, any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding-up by Court.

Circumstances under which Company may be wound up by Court

101. A Company under this Act may be wound up by the Court as hereinafter defined, under the following circumstances; (that is to say)—

(1.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year:

(3.) Whenever the members are reduced in number to less than seven:

(4.) Whenever the Company is unable to pay its debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

102 A Company under this Act shall be deemed to be unable to pay its debts—

(1.) Whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at its registered Office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor:

(2.) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor, in any proceeding instituted by such creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

103 The expression "the Court," as used in this Part of this Act, shall mean the principal Court having original Civil jurisdiction in the place in which the registered Office of the Company is situate; unless in the regulations for the management of the Company it shall be stipulated that the Company if wound up shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be), or by the Chief Court of the Punjab, in which case the word 'Court' shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original Civil jurisdiction.

Application for winding-up to be made by petition.

104 Any application to the Court for the winding up of a Company under this Act shall be by petition, which may be presented by the Company, or by any one or more creditor or creditors, contributory or contributories of the Company, or by all or any of the above parties, together or separately. Every order which may be made on any such petition shall operate in favour of all the creditors and all the contributories of the Company, in the same manner as if it had been made upon the joint petition of a creditor and a contributory.

Commencement of winding-up by Court.

105. A winding-up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding-up.

Court may grant injunction.

106. The Court may, at any time after the presentation of a petition for winding up a Company under this Act and before making an order for winding up the Company, upon the application of the Company or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit. The Court may also at any time after the presentation of such petition and before the first appointment of Liquidators, appoint provisionally an Official Liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing application.

107 Upon hearing the petition, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order or any other order that it deems just.

Suits to be stayed after order for winding-up.

108 When an order has been made for winding-up a Company under this Act, no suit or other proceeding shall be proceeded with or commenced against the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

109. When an order has been made for winding-up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies; who shall make a Minute thereof in his Books relating to the Company.

Power of Court to stay proceedings.

110. The Court may at any time after an order has been made for winding up a Company, upon the application of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee

111 When an order has been made for winding up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court

112. The Court may, as to all matters relating to the winding-up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories, to the number of votes conferred on each contributory by the regulations of the Company.

Court may have regard to wishes of creditors or contributories.

Official Liquidators.

113. For the purpose of conducting the proceedings in winding-up a Company and assisting the Court therein, there may be appointed a person or persons to be called an Official Liquidator or Official Liquidators. The Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of Official Liquidator or Official Liquidators. In all cases, if more persons than one are appointed to the office of Official Liquidator, the Court shall declare whether any act hereby required or authorized to be done by the Official Liquidator is to be done by all or any one or more of such persons. The Court may also determine whether any and what security is to be given by any Official Liquidator on his appointment. If no Official Liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

Appointment of Official Liquidator.

114. Any Official Liquidator may resign or be removed by the Court on due cause shown. Any vacancy in the office of an Official Liquidator appointed by the Court shall be filled by the Court. There shall be paid to the Official Liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more Liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Resignations, removals, filling up vacancies, and compensation.

115. The Official Liquidator or Liquidators shall be described by the style of the Official Liquidator or Official Liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual name or names. He or they shall take into his or their custody, or under his or their control, all the property, effects and things in action to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding up of the Company as may be imposed by the Court.

Style and duties of Official Liquidator.

116. The Official Liquidator shall have power, with the sanction of the Court, to do the following things:—

Powers of Official Liquidator.

(1.) To bring or defend any suit or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company:

(2.) To carry on the business of the Company, so far as may be necessary for the beneficial winding-up of the same:

(3.) To sell the immoveable and moveable property, effects and things in action of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels:

(4.) To do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts and other documents and for that purpose to use, when necessary, the Company's seal:

(5.) To prove, rank, claim and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency as a separate debt due from such insolvent, and ratably with the other separate creditors:

(6.) To draw, accept, make and endorse any Bill of Exchange, Hundí or Promissory Note in the name and on behalf of the Company, also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money; and the drawing, accepting, making or endorsing of every such Bill of Exchange, Hundí or Promissory Note as aforesaid on behalf of the Company, shall have the same effect with respect to the liability of such Company as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof:

(7.) To take out, if necessary, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and in all cases where he takes out letters of administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the Official Liquidator himself: Provided that nothing herein contained shall be deemed to affect the rights, duties and privileges of the Administrators General and Officiating Administrators General of Bengal, Madras and Bombay respectively:

(8.) To do and execute all such other things as may be necessary for winding up the affairs of the Company and distributing its assets.

117. The Court may provide by any order, that the Official Liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an Official Liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Discretion of Official Liquidator.

118. The Official Liquidator may, with the sanction of the Court, appoint an Attorney or Vakeel to assist him in the performance of his duties.

Appointment of Attorney or Vakeel to Official Liquidator.

Ordinary Powers of Court.

119. As soon as may be after making an order for winding up the Company, the Court shall settle a list of contributories, with power to rectify the Register of Members in all cases where such rectification is required in pursuance of this Act, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities.

Collection and application of assets.

120. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right, and persons who are contributories as being representatives of or being liable to the debts of others.

Provision as to representative contributories.

121. The Court may, at any time after making an order for winding up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker or agent, or Officer of the Company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the Official Liquidator any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to require delivery of property.

122. The Court may, at any time after making an order for winding up the Company, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Part of this Act. The Court may, in making such order, when the Company is not limited, allow to such contributory by way of set-off any monies due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profits. Provided that when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

Power of Court to order payment of debts by contributory.

123. The Court may, at any time after making an order for winding up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves. The Court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Court to make calls.

124. The Court may order any contributory, purchaser or other person from whom money is due to the Company, to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the Official Liquidator instead of to the Official Liquidator, and such order may be enforced in the same manner as if it had directed payment to the Official Liquidator.

Power of Court to order payment into Bank.

125. All monies, bills, notes and other securities, paid and delivered into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out, of the same, as the Court may direct.

Regulation of account with Court.

126. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Provision in case of representative contributory not paying monies ordered.

127. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons and in all proceedings whatsoever.

Order conclusive evidence.

128. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court may exclude creditors not proving within certain time.

129. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to adjust rights of contributories.

130. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding up any Company in such order of priority as the Court thinks just.

Court to order costs

131. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Dissolution of Company.

132. Any order so made shall be reported by the Official Liquidator to the Registrar, who shall make a Minute accordingly in his Books of the dissolution of such Company.

Registrar to make Minute of dissolution of Company.

133. If the Official Liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Penalty on not reporting dissolution of Company.

Extraordinary Powers of Court.

134. The Court may, after it has made an order for winding up the Company, summon before it any Officer of the Company or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company. The Court may require any such Officer or person to produce any documents in his custody or power relating to the Company. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended and brought before the Court for examination. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding-up to determine all questions relating to such lien.

Power of Court to summon persons before it suspected of having property of Company.

135. The Court may examine upon oath or affirmation, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid, concerning the affairs, dealings, estate or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Examination of parties by Court.

136. The Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or

Power to arrest contributory about to abscond or to remove or conceal any of his property

otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Powers of Court cumulative.

137. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of, any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company, for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Enforcement of and Appeal from Orders.

Power to enforce orders.

138. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Order made in any Court to be enforced by other Courts.

139. Any order made by a Court for or in the course of the winding-up of a Company under this Act shall be enforced in any part of British India other than that in which such Court is situate, in the Court that would have had jurisdiction in respect of such Company if the registered Office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Mode of dealing with orders to be enforced by other Courts.

140. Where any order or decree made by one Court is required to be enforced by another Court as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made, and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree, in the same manner as if it were the order or decree of the Court enforcing the same.

Appeals from orders.

141. Re-hearings of and appeals from any order or decision made or given in the matter of the winding-up of a Company by the Court, may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of Appeal.

Judicial notice to be taken of signature of Officers

142. In all proceedings under this Part of this Act, every Court, Judge and person judicially acting, and all other Officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any Officer of any other Court, and also of the official seal of any other Court when such seal is appended to any document made, issued, or signed under the provisions of this Part of the Act, or any official copy thereof.

Special Commissioners for receiving evidence.

143. The Judges of the District Courts who sit at places more than twenty English miles from the usual place of sitting of the High Court, shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court, and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding up the Company. Every such Commissioner shall, in addition to any power of summoning and examining witnesses, and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses and requiring the production or delivery of documents and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

144. If any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any Colony, Island, Plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge or person lawfully authorized to take and receive affidavits, affirmations or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Part of this Act.

Voluntary Winding-up of Company.

Circumstances under which Company may be wound up voluntarily.

145. A Company under this Act may be wound up voluntarily,

(1.) Whenever the period, if any, fixed for the duration of the Company by the Articles of Association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in General Meeting has passed a Resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an Extraordinary Resolution to the effect that it has been proved to their satisfaction that the Company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same:

For the purposes of this Act any Resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a Special Resolution as hereinbefore defined.

Commencement of voluntary winding-up.

146. A voluntary winding-up shall be deemed to commence at the time of the passing of the Resolution authorizing such winding-up.

Effect of voluntary winding-up on status of Company.

147. Whenever a Company is wound up voluntarily, the Company shall, from the date of the commencement of such winding-up, cease to carry on its business except in so far as may be required for the beneficial winding-up thereof; and all transfers of shares except transfers made to or with the sanction of the Liquidators, or alteration in the status of the members of the Company taking place after the commencement of such winding-up shall

be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the Company are wound up.

Notice of Resolution to wind up voluntarily.

148. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by advertisement in the local Official Gazette and also in some newspaper (if any) circulating in the place where the registered Office of the Company is situate.

Consequences of voluntary winding-up.

149. The following consequences shall ensue upon the voluntary winding-up of a Company:—

(1.) The property of the Company shall be applied in satisfaction of its liabilities *pari passu*, and subject thereto shall, unless it be otherwise provided by the regulations of the Company, be distributed amongst the members according to their rights and interests in the Company:

(2.) Liquidators shall be appointed for the purpose of winding up the affairs of the Company and distributing the property:

(3.) The Company in General Meeting shall appoint such persons or person as it thinks fit to be Liquidators or a Liquidator, and may fix the remuneration to be paid to them or him:

(4.) If one person only is appointed, all the provisions herein contained in reference to several Liquidators shall apply to him:

(5.) Upon the appointment of Liquidators, all the powers of the Directors shall cease, except in so far as the Company in General Meeting or the Liquidators may sanction the continuance of such powers:

(6.) When several Liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two:

(7.) The Liquidators may, without the sanction of the Court, exercise all powers by this Act given to the Official Liquidators:

(8.) The Liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories:

(9.) The Liquidators may at any time after the passing of the Resolution for winding up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the Liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same:

(10.) The Liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves.

Effect of winding-up on share-capital of Company limited by guarantee.

150. Where a Company limited by guarantee and having a capital divided into shares is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Liquidators.

Power of Company to delegate authority to appoint Liquidators.

151. A Company about to be wound up voluntarily or in the course of being wound up voluntarily may, by an Extraordinary Resolution, delegate to its creditors, or to any Committee of its creditors, the power of appointing Liquidators or any of them, and supplying any vacancies in the appointment of Liquidators, or may by a like Resolution enter into any arrangement with respect to the powers to be exercised by the Liquidators and the manner in which they are to be exercised. Any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Arrangement when binding on creditors.

152. Any arrangement which a Company about to be wound up voluntarily or in the course of being wound up voluntarily shall have entered into with its creditors, shall be binding on the Company if sanctioned by an Extraordinary Resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Power of creditor or contributory to appeal.

153. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon, as it thinks just, amend, vary or confirm the same.

Power for Liquidators or contributories in voluntary winding-up to apply to Court.

154. Where a Company is being wound up voluntarily, the Liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding-up, or to exercise as respects the enforcing of calls or in respect of any other matter all or any of the powers which the Court might exercise if the Company were being wound up by the Court. The Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application, on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power of Liquidators to call General Meeting.

155. Where a Company is being wound up voluntarily, the Liquidators may, from time to time during the continuance of such winding-up, summon General Meetings of the Company for the purpose of obtaining the sanction of the Company by Special Resolution or Extraordinary Resolution or for any other purposes they think fit. In the event of the winding-up continuing for more than one year, the Liquidators shall summon a General Meeting of the Company at the end of the first year and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient, and shall lay before such meeting an account showing their acts and dealings and the manner in which the winding-up has been conducted during the preceding year.

Power to fill up vacancy in office of Liquidators.

156. If any vacancy occurs in the office of Liquidators appointed by the Company, by death, resignation or otherwise, the Company in General Meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy, and a General Meeting for the purpose of filling up such vacancy may be convened by the continuing Liquidators, if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing Liquidator, if any, or by any contributory of the Company, be determined by the Court.

157. If from any cause whatever there is no Liquidator acting in the case of a voluntary winding-up, the Court may, on the application of a contributory, appoint a Liquidator or Liquidators. The Court may also, on due cause shown, remove any Liquidator, and appoint another Liquidator to act in the matter of a voluntary winding-up.

Power of Court to appoint Liquidators.

158. As soon as the affairs of the Company are fully wound up, the Liquidators shall make up an account showing the manner in which such winding-up has been conducted and the property of the Company disposed of; and thereupon they shall call a General Meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the Liquidators. The meeting shall be called by advertisement, specifying the time, place and object of such meeting, and such advertisement shall be published one month at least previously to the meeting, in the manner specified in Section 148.

Liquidators on conclusion of winding-up to make up an account.

159. The Liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved. If the Liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Liquidators to report meeting to Registrar

160. All costs, charges and expenses properly incurred in the voluntary winding-up of a Company, including the remuneration of the Liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Costs of voluntary liquidation.

161. The voluntary winding-up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding-up.

Saving of rights of creditors.

162. Where a Company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding-up.

Power of Court to adopt proceedings of voluntary winding-up.

Winding-up subject to the Supervision of the Court.

163. When a Resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding-up should continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally upon such terms and subject to such conditions, as the Court thinks just.

Power of Court, on application, to direct winding-up subject to supervision.

164. A petition praying wholly or in part that a voluntary winding-up should continue, but subject to the supervision of the Court, and which winding-up is hereinafter referred to as a winding-up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up the Company by the Court.

Petition for winding-up subject to supervision.

165. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the supervision of the Court, in the appointment of a Liquidator or of Liquidators, and in all other matters relating to the winding-up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard shall be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Court may have regard to wishes of creditors.

166. Where any order is made by the Court for a winding-up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional Liquidator or Liquidators. Any Liquidators so appointed by the Court shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if they had been appointed by the Company. The Court may from time to time remove any Liquidators so appointed by the Court, and fill up any vacancy occasioned by such removal, or by death or resignation.

Power to Court to appoint additional Liquidators in winding-up subject to supervision.

167. Where an order is made for a winding-up subject to the supervision of the Court, the Liquidators appointed to conduct such winding-up may, subject to any restrictions imposed by the Court, exercise all their powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily. Save as aforesaid, any order made by the Court for a winding-up subject to the supervision of the Court, shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the Liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the Company altogether by the Court. In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the Official Liquidators, the expression Official Liquidators shall be deemed to mean the Liquidators conducting the winding-up subject to the supervision of the Court.

Effect of order of Court for winding-up subject to supervision.

168 Where an order has been made for the winding-up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order or in any subsequent order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other persons to be Official Liquidators.

Appointment in certain cases of voluntary Liquidators to office of Official Liquidators.

Supplemental Provisions.

169. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares or alteration in the status of the members of the Company, made between the commencement of the winding-up and the order for winding-up, shall, unless the Court otherwise orders, be void.

Dispositions after the commencement of the winding-up avoided.

170 Where any Company is being wound up, all books, accounts and documents of the Company and of the Liquidators shall, as between the contributories of the Com-

The books of the Company to be evidence.

pany, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

As to disposal of books, accounts, and documents of the Company.

171. Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the Company and of the Liquidators may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and where the Company has been wound up voluntarily, in such way as the Company by an Extraordinary Resolution directs. But after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company or the Liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books.

172. Where an order has been made for winding up a Company by the Court or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court, but not further or otherwise.

General scheme of liquidation may be sanctioned.

173. The Liquidators may, with the sanction of the Court, where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the Liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

174. The Liquidators may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist, between the Company and any contributory or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding-up of the Company, generally upon such terms as may be agreed upon, with power for the Liquidators to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Power for Liquidators to accept shares, &c., as a consideration for sale of property of Company.

175 Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the Liquidators of the first mentioned Company may, with the sanction of a Special Resolution of the Company by whom they were appointed, conferring either a general authority on the Liquidators, or an authority in respect of any particular arrangement, receive in compensation or part compensation for such transfer or sale, shares, debentures, policies or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, debentures, policies or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing Company; and any sale made or arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up, who has not voted in favour of the Special Resolution passed by the Company of which he is a member at either of the meetings held for passing the same, expresses his dissent from any such Special Resolution in writing addressed to the Liquidators or one of them, and left at the registered Office of the Company not later than seven days after the date of the meeting at which such Special Resolution was passed, such dissentient member may require the Liquidators to do one of the following things as the Liquidators may prefer; that is to say, either to abstain from carrying such Resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the Company is dissolved, and to be raised by the Liquidators in such manner as may be determined by Special Resolution. No Special Resolution shall be deemed invalid for the purposes of this Section by reason that it is passed antecedently to or concurrently with any Resolution for winding up the Company, or for appointing Liquidators; but if an order be made within a year for winding up the Company by or subject to the supervision of the Court, such Resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

176. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration under the provisions next hereinafter contained.

Appointment of Arbitrator when questions are to be determined by arbitration.

177. When any dispute so directed to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single Arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an Arbitrator to whom such dispute shall be referred. After any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation. If for the space of fourteen days after any such dispute shall have arisen, and after a request in writing shall have been served by the one party on the other party to appoint an Arbitrator, such last mentioned party fail to appoint such Arbitrator, then upon such failure the party making the request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both parties, and such Arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

178. If before the matters so referred shall be determined any Arbitrator appointed by either party die, or become incapable or refuse or for seven days neglect to act as Arbitrator, the party by whom such Arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so substituted as aforesaid shall have the same powers and authorities as were vested in the former Arbitrator at the time of such his death, refusal or disability as aforesaid.

Appointment of Umpire.

179. Where more than one Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an Umpire to decide on any such matters on which they shall differ. If such Umpire shall die, or refuse or for seven days neglect to act, they shall forthwith, after such death, refusal or neglect, appoint another Umpire in his place; and the decision of every such Umpire on the matters so referred to him shall be final.

Power of Arbitrators to call for books, &c.

180. The said Arbitrators or their Umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Costs to be in the discretion of the Arbitrators.

181. The costs of and attending every such arbitration to be determined by the Arbitrators shall be in the discretion of the Arbitrators or their Umpires, as the case may be.

Submission to arbitration may be filed in Court

182. On the application of either of the parties the submission to any such arbitration may be filed in the Court, and an order of reference may be made thereon; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

Certain attachments, distresses and executions to be void.

183. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment distress or execution put in force against the estate or effects of the Company after the commencement of the winding-up shall be void.

Fraudulent preference.

184. Every conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, which would, if made or done by or against any individual trader, be deemed in the event of his insolvency to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly. For the purposes of this Section, the making of an application for winding up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a Resolution for winding up the Company shall, in the case of a voluntary winding-up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act, of all its estate and effects to trustees for the benefit of all its creditors, shall be void.

Power of Court to assess damages against delinquent Directors and Officers.

185. Where in the course of the winding-up of any Company under this Act, it appears that any past or present Director, Manager, Official or other Liquidator, or any Officer of such Company, has misapplied or retained in his own hands or become liable or accountable for any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any Liquidator, or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other Officer, and compel him to repay any monies so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust, as the Court thinks just.

Penalty on falsification of books.

186. If any Director, Officer or contributory of any Company wound up under this Act, destroys, mutilates, alters, falsifies or fraudulently secretes any books, papers, writings or securities, or makes or is privy to the making of any false or fraudulent entry in any Register, book of account or other document belonging to the Company with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Prosecution of delinquent Directors in the case of winding-up by Court.

187. Where any order is made for winding up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding-up that any past or present Director, Manager, Officer or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding-up or of its own motion, direct the Official Liquidators, or the Liquidators (as the case may be), to institute a prosecution for such offence, and may order the costs and expenses of such prosecution to be paid out of the assets of the Company.

Penalty of false evidence.

188. If any person, upon any examination upon oath or affirmation authorized under this Act, or in any affidavit, deposition or solemn affirmation in or about the winding-up of any Company under this Act, or otherwise in or about any matter arising under this Act, intentionally gives false evidence, he shall, upon conviction, be liable to imprisonment of either description as defined in the Indian Penal Code for a term which may extend to seven years and shall also be liable to fine.

Power of High Court to make Rules.

Power of High Court to make rules.

189. The High Court may make such rules concerning the mode of proceeding to be had for winding up a Company in such Court and in the Courts subordinate thereto, as may from time to time seem necessary and as may be consistent with the other provisions of this Act and with the Code of Civil Procedure. But until such rules are made, the general practice of the Court including the practice hitherto in use in winding up Companies shall, so far as the same is applicable and not inconsistent with this Act, apply to all proceedings for winding up a Company.

PART V.

REGISTRATION OFFICE.

Constitution of Registration Office.

190. The registration of Companies under this Act shall be conducted as follows; (that is to say)—

(1.) The Local Government may, after the sanction of the Governor-General of India in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(2.) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks and servants as aforesaid:

(3.) The Local Government may from time to time determine the places at which Offices for the registration of Companies are to be established, so that there be at all times maintained in each of the three Presidency Towns of Calcutta, Madras and Bombay at least one such Office, and that no Company shall be registered except at an Office within that part of British India in which by the memorandum of association the registered Office of the Company is declared to be established:

(4.) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(5.) Every person may inspect the documents kept by the Registrar of Joint Stock Companies. There shall be paid for such inspection such fees as may be appointed by the Local Government not exceeding one rupee for each inspection. Any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar. There shall be paid for such certificate of incorporation, certified copy or extract, such fees as the Local Government may appoint, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(6.) The existing Registrar, Assistant Registrars, Clerks and other Officers and servants in the Office for the Registration of Joint Stock Companies shall, during the pleasure of the Local Government hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk or servant that may hereafter be employed in the registration of Joint Stock Companies, such salary as the Local Government may, with the sanction of the Governor-General of India in Council, direct:

(8.) Whenever any act is herein directed to be done to or by the Registrar of Joint Stock Companies, such act shall, until the Local Government otherwise directs, be done to or by the existing Registrar of Joint Stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize. But in the event of the Local Government altering the constitution of the existing Registry Office, such act shall be done to or by such Officer or Officers and at such place or places with reference to the local situation of the registered Offices of the Companies to be registered as the Local Government may appoint.

PART VI

APPLICATION OF ACT TO COMPANIES REGISTERED UNDER THE JOINT STOCK COMPANIES' ACTS.

Application of Act to Companies formed under Act XIX of 1857 or VII of 1860.

191. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first Schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, in the same manner in the case of a Limited Company as if such Company had been formed and registered under this Act as a Company limited by shares; and in the case of a Company other than a Limited Company, as if such Company had been formed and registered as an Unlimited Company under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by Special Resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the Table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an Unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding such regulations are contained in the memorandum of association.

Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.

192. This Act shall apply to Companies registered but not formed under the said Acts or either of them, in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Mode of transferring shares.

193. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

PART VII.

COMPANIES AUTHORIZED TO REGISTER UNDER THIS ACT.

Companies capable of being registered.

194. With the exceptions made in the next following Section and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament, or Act of the Governor-General of India in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law, and consisting of seven or more members, may at any time hereafter register itself under this Act as an Unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Regulations as to registration of existing Companies.

195. The following regulations shall be observed with respect to the registration of Companies under this Part of this Act: (that is to say)—

(1.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council other than this Act, or by Letters Patent, and not being a Joint Stock Company as hereinafter defined, shall register under this Act in pursuance of this Part thereof.

(2.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council other than this Act, or by Letters Patent, shall register under this Act in pursuance of this Part thereof as an Unlimited Company, or as a Company limited by guarantee.

(3.) No Life Assurance Company existing at the time of the commencement of this Act, and no Company that is not a Joint Stock Company as hereinafter defined, shall in pursuance of this Part of this Act register under this Act as a Company limited by shares:

(4.) No Company shall register under this Act in pursuance of this Part thereof unless an assent to its so registering is given by a majority of such of its members as may be present, personally or by proxy in cases where proxies are allowed by the regulations of the Company, at some General Meeting summoned for the purpose.

(5.) Where a Company not having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council, or by Letters Patent, is about to register as a Limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned General Meeting:

(6.) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a Resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount

In computing any majority under this Section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

Definition of Joint Stock Company.

196. For the purposes of this Part of this Act so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid-up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons: and such Company when registered with limited liability under this Act shall be deemed to be a Company limited by shares.

Requisitions for registration by Companies.

197. Previously to the registration, in pursuance of this Part of this Act, of any Joint Stock Company, there shall be delivered to the Registrar the following documents: (that is to say),

(1.) A list showing the names, addresses and occupations of all persons who, on a day named in such list and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(2.) A copy of any Act of Parliament or Act of the Governor-General of India in Council, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery or other instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a Limited Company, the above list and copy shall be accompanied by a statement specifying the following particulars; (that is to say)—

The nominal capital of the Company and the number of shares into which it is divided:

The number of shares taken and the amount paid on each share:

The name of the Company, with the addition of the word "Limited" as the last word thereof:

With the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the Resolution declaring the amount of the guarantee.

Requisitions for registration by existing Company not being a Joint Stock Company.

198. Previously to the registration in pursuance of this Part of this Act of any Company not being a Joint Stock Company, there shall be delivered to the Registrar a list showing the names, addresses and occupations of the Directors or other Managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor-General of India in Council, Letters Patent, Deed of Settlement, Contract of Copartnery or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the Resolution declaring the amount of guarantee.

Power for existing Company to register amount of stock instead of shares.

199. Where a Joint Stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement not more than six clear days before the day of registration.

Authentication of statements of existing Companies.

200. The lists of members and Directors and any other particulars relating to the Company hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same or any two of them, or of any two other principal Officers of the Company made before a Justice of the Peace or a District Judge.

Registrar may require evidence as to nature of Company.

201. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or not a Joint Stock Company as hereinbefore defined.

On registration of Banking Company with limited liability, notice to be given to customers.

202. Every Banking Company existing at the date of the passing of this Act which registers itself as a Limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm having a banking account with the Company. Such notice shall be given either by delivering the same to such person or firm, or leaving the same, or putting the same into the Post addressed to him or them, at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company. In case the Company omits to give any such notice as is hereinbefore required to be given, then, as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain Companies from payment of fees.

203. No fees shall be charged in respect of the registration in pursuance of this Part of this Act of any Company in cases where such Company is not registered as a Limited Company, or where, previously to its being registered as a Limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor-General of India in Council, or by Letters Patent.

Company to change name.

204. Any Company authorized by this Part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "Limited."

Certificate of registration of existing Companies.

205. Upon compliance with the requisitions in this Part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the Tables marked B and C in the first Schedule hereto, the Registrar shall certify under his hand that the Company so-applying for registration is incorporated as a Company under this Act, and, in the case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal.

Certificate to be evidence of compliance with Act.

206. A certificate of incorporation given at any time to any Company registered in pursuance of this Part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a Limited or Unlimited Company, as the case may be, and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Transfer of property to Company.

207. All such property, moveable and immoveable, including all interests and rights in, to, and out of property, moveable and immoveable, and including obligations and things in action, as may belong to or be vested in

the Company at the date of its registration under this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

208. The registration in pursuance of this Part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with or on behalf of such Company previously to such registration.

Continuation of existing suits.

209. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this Part of this Act have been commenced by or against such Company, or the public Officer or any member thereof, may be continued in the same manner as if such registration had not taken place. Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding up the Company.

Effect of registration under Act.

210. When a Company is registered under this Act in pursuance of this Part thereof, all provisions contained in any Act of Parliament, Act of the Governor-General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the Resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered memorandum of association and Articles of Association; and all the provisions of this Act shall apply to such Company and the members, contributories and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following; (that is to say),

(1.) That Table A in the first Schedule to this Act shall not, unless adopted by Special Resolution, apply to any Company registered under this Act in pursuance of this Part thereof:

(2.) That the provisions of this Act relating to the numbering of shares shall not apply to any Joint Stock Company whose shares are not numbered:

(3.) That no Company shall have power to alter any provision contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor-General of India in Council relating to the Company:

(4.) That, no Company shall have power, without the sanction of the Governor General of India in Council, to alter any provision contained in any Letters Patent relating to the Company:

(5.) In the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company, so far as relates to such debts or liabilities as aforesaid. Every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding-up, all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any such contributory as last aforesaid, or marriage of any such contributory being a female, the provisions hereinbefore contained with respect to the representatives, heirs and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, and to the husbands of married contributories, shall apply:

(6.) Nothing herein contained shall authorize any Company to alter any such provisions contained in any Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the memorandum of association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this Part thereof by virtue of any Act of Parliament, Act of the Governor-General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company.

Powers of Court to restrain further proceedings.

211. The Court may, at any time after the presentation of a petition for winding up a Company registered in pursuance of this Part of this Act, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding up Company.

212. Where an order has been made for winding up a Company registered in pursuance of this Part of the Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

PART VIII.

APPLICATION OF ACT TO UNREGISTERED COMPANIES.

Winding up of unregistered Companies.

213. Subject as hereinafter mentioned any partnership, association or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor-General of India in Council, consisting of more than seven members and not registered under this Act, and hereinafter included under the term Unregistered Company, may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to such Company, with the following exceptions and additions:—

(1.) An Unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding-up, be deemed to be registered in that part of British India where its principal place of business is situate; or if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business. Moreover, the principal place of business of an Unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding-up of such Company, be deemed to be the registered Office of the Company:

(2.) No Unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court:

(3.) The circumstances under which an Unregistered Company may be wound up are as follows; (that is to say):—

(a.) Whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(b.) Whenever the Company is unable to pay its debts;

(c.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up:

(4.) An Unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts,

(a.) Whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor:

(b.) Whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due or claimed to be due from the Company, or from him in his character of member of the Company, and, notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the Secretary, or some Director, Manager or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not within ten days after service of such notice paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages and expenses to be incurred by him by reason of the same:

(c.) Whenever execution or other process, issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied:

(d.) Whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

Who to be deemed a contributory in the event of Company being wound up.

214. In the event of an Unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company. Every such contributory shall be liable to contribute to the assets of the Company in the course of the winding-up all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

215. The Court may, at any time after the making of an application for winding up an Unregistered Company, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding up Company.

216. Where an order has been made for winding up an Unregistered Company, in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Provision in case of Unregistered Company.

217. If any Unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding up such Company or by any subsequent order, direct that all such property, moveable and immoveable, including all interests, claims and rights into and out of property, moveable and immoveable, and including things in action, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company or any part of such property, is to vest in the Official Liquidator or Official Liquidators by his or their official name or names, and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the Official Liquidator or Official Liquidators may, in his or their official name or names, or in such name or names and after giving such indemnity as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding up the Company and recovering the property thereof.

Provisions of this Part of Act cumulative.

218. The provisions made by this Part of the Act with respect to Unregistered Companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained with respect to winding up Companies by the Court. The Court or Official Liquidator may, in addition to any thing contained in this Part of the Act, exercise any powers or do any act in the case of Unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an Unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the extent provided by this Part of this Act.

PART IX.

Repeal of Acts and Miscellaneous Provisions.

Repeal of Acts.

219. After the commencement of this Act, there shall be repealed the several Acts specified in the third Schedule hereto.

Saving Clause as to repeal.

220. No repeal hereby enacted shall affect

(1.) Any thing duly done under any Acts hereby repealed:

(2.) The incorporation of any Company registered under any Act hereby repealed:

(3.) Any right or privilege acquired or liability incurred under any Act hereby repealed:

(4.) Any penalty, forfeiture or other punishment incurred in respect of any offence against any Act hereby repealed:

(5.) Table B in the Schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

Saving of existing proceedings for winding up.

221. Where previously to the commencement of this Act an order has been made for winding up a Company under any Acts or Act hereby repealed, or a Resolution has been passed for winding up a Company voluntarily

such Company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding-up, such repealed Acts or Act shall be deemed to remain in full force.

Saving of Conveyance Deeds.

222. Where previously to the commencement of this Act any conveyance, mortgage or other deed has been made in pursuance of any Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed, such repealed Act shall be deemed to remain in full force.

Compulsory registration of certain Companies.

223. Every Company required by any Act hereby repealed to register under the said Acts, or either of them, and which has not so registered, shall, on or before the expiration of the thirty-first day from the commencement of this Act, register itself as a Company under this Act, in manner and subject to the regulations hereinbefore contained. No fees shall be charged in respect of the registration of any Company required to register by this Section.

Penalty on Company not registering.

224. If any Company required by the last Section to register under this Act makes default in complying with the provisions thereof, then, from and after the day upon which such Company is required to register under this Act, until the day on which such Company is registered under this Act (which it is empowered to do at any time), the following consequences shall ensue, (that is to say)—

(1.) The Company shall be incapable of suing but shall not be incapable of being made a defendant to a suit.

(2.) No dividend shall be payable to any shareholder in such Company.

(3.) Each Director or Manager of the Company shall, for each day during which the Company so being in default carries on business, incur a penalty not exceeding one hundred rupees, and such penalty may be recovered by any person, whether a shareholder or not in the Company, and be applied by him to his own use.

Nevertheless, such default shall not render the Company so being in default illegal, nor subject it to any penalty or disability other than as specified in this Section, and registration under this Act shall cancel any penalty or forfeiture, and put an end to any disability which any Company may have incurred by reason of its not having registered under the said Act No. XIX of 1857.

Cognizance of offences under this Act.

225. All offences under this Act may be tried by any Officer exercising the powers of a Magistrate, unless the period of imprisonment to which the offender is liable shall exceed that which such Officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Officer, the offender shall be committed for trial before the Court of Session.

Punishment of offences under this Act, committed within local limits of High Court.

226. If any offence which by this Act is declared to be punishable by any penalty shall be committed by any person within the local limits of the ordinary original Civil jurisdiction of the High Court, such offence shall be punishable upon summary conviction by any Magistrate of Police of the place at which such Court is held.

Levy of penalties by distress.

227. All penalties imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the offender's moveable property by warrant under the hand of the Officer imposing the penalty.

Procedure until return is made to distress warrant.

228. In case any such penalty shall not be forthwith paid, such Officer may order the offender to be arrested and kept in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

Imprisonment if no sufficient distress.

229. If upon the return of the warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient moveable property whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, for any term not exceeding two months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount of penalty.

Construction of "Registrar of Joint Stock Companies" in Act No. XXI of 1860.

230. In Sections 1 and 18 of Act No. XXI of 1860 *(for the registration of Literary, Scientific and Charitable Societies)*, the words "Registrar of Joint Stock Companies" shall be construed to mean Registrar of Joint Stock Companies under this Act or any Act for the time being in force.

Act not to apply to Banks of Bengal, Madras or Bombay.

231. Save as provided in Section 125, nothing in this Act shall be deemed to apply to the Bank of Bengal, the Bank of Madras and the Bank of Bombay.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in General Meeting may prescribe, be entitled to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in General Meeting may prescribe.

Calls on Shares.

(4.) The Directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Directors.

(5.) A call shall be deemed to have been made at the time when the Resolution of the Directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The Directors may, if they think fit, receive from any member willing to advance the same all or any part of the monies due upon the shares held by him beyond the sums actually called for; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the Directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the Register Book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form:—

I, A B, of in consideration of the sum of rupees paid to me by C D of do hereby transfer to the said C D the share (or shares) numbered standing in my name in the books of the Company, to hold unto the said C D his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution hereof; and I, the said C D, do hereby agree to take the said share (or shares) subject to the same conditions. As witness our hands, the day of

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the Ordinary General Meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, together with such evidence as the Directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the Directors may, at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day on or before which such call and all interest and expenses that have accrued by reason of such non-payment are to be paid. It shall also name the place where payment is to be made, the place so named being either the registered Office of the Company or some other place at which calls of the Company are usually made payable. The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter before payment of all calls, interest and expenses due in respect thereof has been made, be forfeited by a Resolution of the Directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in General Meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by a Resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to a purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the sanction of the Company previously given in General Meeting, convert any paid-up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein or any part of such interests, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26.) The Directors may, with the sanction of a Special Resolution of the Company previously given in General Meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in General Meeting directs, or, if no direction is given, as the Directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given, that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first General Meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place, as the Directors may determine.

(30.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year, at such place as may be determined by the Directors.

(31.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an Extraordinary General Meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon the receipt of such requisition the Directors shall forthwith proceed to convene an Extraordinary General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other members amounting to the required number, may themselves convene an Extraordinary General Meeting.

Proceedings at General Meetings.

(35.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any General Meeting.

(36.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets and the ordinary report of the Directors.

(37.) No business shall be transacted at any General Meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business. Such quorum shall be ascertained as follows: that is to say, if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week, at the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die*.

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every General Meeting of the Company

(40.) If there is no such Chairman, or if at any meeting he is not present, within fifteen minutes after the time appointed for holding the meeting, the members present shall choose some one of their number to be Chairman.

(41.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any General Meeting, unless a poll is demanded by at least five members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such Resolution.

(43.) If a poll is demanded by five or more members, it shall be taken in such manner as the Chairman directs, and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting. In the case of an equality of votes at any General Meeting the Chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every member shall have one vote for every share up to ten. He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any member is a lunatic or idiot, he may vote by his Committee or other legal Curator; and if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the member whose name stands first in the Register of Members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No member shall be entitled to vote at any General Meeting unless all calls due from him have been paid, and no member shall be entitled to vote in respect of any share that he has acquired by transfer, at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy.

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointer, or if such appointer is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered Office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form:—

Company Limited.

I of being a member of the Company Limited, and entitled to vote or votes, hereby appoint of as my proxy, to vote for me and on my behalf at the (Ordinary or Extraordinary, as the case may be) General Meeting of the Company to be held on the day of , and at any adjournment thereof (or, at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the memorandum of association.

(53.) Until Directors are appointed, the subscribers of the memorandum of association shall be deemed to be Directors.

(54.) The future remuneration of the Directors, and their remuneration for services performed previously to the first General Meeting, shall be determined by the Company in General Meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the Directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise

all such powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in General Meeting, subject nevertheless to any regulations of these Articles, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

(56.) The continuing Directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of Director shall be vacated—

If he holds any other office or place of profit under the Company;

If he becomes bankrupt or insolvent;

If he is concerned in or participates in the profits of any contract with the Company;

But the above rules shall be subject to the following exceptions: That no Director shall vacate his office by reason of his being a member of any Company which has entered into contracts with or done any work for the Company of which he is Director; nevertheless he shall not vote in respect of such contract or work; and if he does so vote his vote shall not be counted.

Rotation of Directors.

(58.) At the first Ordinary Meeting after the registration of the Company, the whole of the Directors shall retire from office; and at the first Ordinary Meeting in every subsequent year, one-third of the Directors for the time being, or, if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to retire during the first and second years ensuing the first Ordinary Meeting of the Company shall, unless the Directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If at any meeting at which an election of Directors ought to take place the places of the vacating Directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the Ordinary Meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in General Meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the Board of Directors may be filled up by the Directors, but any person so chosen shall retain his office so long only as the vacating Director would have retained the same if no vacancy had occurred.

(65.) The Company in General Meeting may, by a Special Resolution, remove any Director before the expiration of his period of office, and may by an Ordinary Resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the despatch of business adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes In case of an equality of votes, the Chairman shall have a second or casting vote. A Director may at any time summon a meeting of the Directors.

(67.) The Directors may elect a Chairman of their meetings, and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

(68.) The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit. Any Committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the Directors.

(69.) A Committee may elect a Chairman of its meetings. If no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

(70.) A Committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and in case of an equality of votes the Chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

Dividends.

(72.) The Directors may, with the sanction of the Company in General Meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared, may be forfeited by the Directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The Directors shall cause true accounts to be kept,

Of the stock in trade of the Company;

Of the sums of money received and expended by the Company, and the matters in respect of which such receipt and expenditure take place; and

Of the credits and liabilities of the Company.

The books of account shall be kept at the registered Office of the Company, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the Directors shall lay before the Company in General Meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived. and the amount of gross expenditure, distinguishing the expense of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year and laid before the Company in General Meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to this Table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance-sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the Directors; subsequent auditors shall be appointed by the Company in General Meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be members of the Company; but no person is eligible as an auditor who is interested otherwise than as a member in any transaction of the Company; and no Director or other Officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in each year.

(88.) The remuneration of the first auditors shall be fixed by the Directors; that of subsequent auditors shall be fixed by the Company in General Meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the applicaton of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts examine the Directors or any other Officer of the Company.

(94.) The auditors shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have or has been given by the Directors, and whether they or it have or has been satisfactory. Such report shall be read, together with the report of the Directors, at the Ordinary Meeting

Notices.

(95.) A notice may be served by the Company upon any member either personally or by sending it through the Post in a letter addressed to such member at his registered place of abode.

(96.) All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the Register of Members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office.

Dr. *Balance-sheet (a) of the* *Company made up to* 18 **Cr.**

		Capital and Liabilities.	Rs.	As.			Property and Assets.	Rs.	As.
I. Capital.		Showing:			III. Property held by the Company.		Showing:		
	1	The number of share				7	Immoveable property. Distinguishing—		
	2	The amount paid for shares ...					(a) Freehold land		
	3	If any arrears of calls, the nature of the arrear, and the names of the defaulters ...					(b) " Buildings		
							(c) Leasehold "		
	4	The particulars of any forfeited shares ..				8	Moveable property. Distinguishing—		
							(d) Stock in Trade		
II. Debts and Liabilities of the Company.		Showing:					(e) Plant		
	5	The amount of loans on mortgages or debenture bonds					The cost to be stated with deductions for deterioration in value as charged to the reserve fund of profit and loss ...		
	6	The amount of debts owing by the Company, distinguishing			IV. Debts owing to the Company.		Showing:		
		(a) Debts for which acceptances have been given				9	Debts considered good for which the Company hold bills or other securities ...		
		(b) Debts to tradesmen for supplies of stock in trade or other articles ...				10	Debts considered good for which the Company hold no security		
		(c) Debts for law expenses ...				11	Debts considered doubtful and bad, any debt due from a Director or other Officer of the Company to be separately stated ...		
		(d) Debts for interest on debentures or other loans							
		(e) Unclaimed dividends							
		(f) Debts not enumerated above ...							
VI. Reserve Fund.		Showing:			V. Cash and investments.		Showing:		
		The amount set aside from profits to meet contingencies.				12	The nature of investment and rate of interest		
VII. Profit and Loss.		Showing:				13	The amount of cash, where lodged, and if bearing interest		
		The disposable balance for payment of dividends, &c.							
Contingent liabilities.		Claims against the Company not acknowledged as debts							
		Monies for which the Company is contingently liable							

(a) See Clauses 81 and 82 of the foregoing Table A.

TABLE B.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of ...	40	0	0
For registration of a Company whose nominal capital exceeds Rs. 20,000 the above fee of forty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 20,000 rupees up to 50,000 rupees	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 50,000 rupees up to 1,000,000	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 1,000,000 rupees	1	0	0
For registration of any increase of capital made after the first registration of the Company, the same fees per 10,000 rupees or part of 10,000 rupees as would have been payable if such increased capital had formed part of the original capital at the time of registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on registration, or afterwards, any greater amount of fees than 1,000 rupees, taking into account in the case of fees payable on an increase of capital after registration the fees paid on registration.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association ...	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of ..	5	0	0

TABLE C.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company not having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose number of members, as stated in the Articles of Association, does not exceed 20	40	0	0
For registration of a Company whose number of members, as stated in the Articles of Association, exceeds 20, but does not exceed 100	100	0	0
For registration of a Company whose number of members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 5 for every 50 members or less number than 50 members after the first 100.			
For registration of a Company in which the number of members is stated in the Articles of Association to be unlimited, a fee of ...	400	0	0
For registration of any increase on the number of members made after the registration of the Company, in respect of every 50 members, or less than 50 members, of such increase ...	5	0	0
Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 400 in respect of its number of members, taking into account the fee paid on the first registration of the Company.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

FORM D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE ACT.

* The Capital of the Company is Rs. , divided into shares of each.

The number of shares issued is . Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the Company on the first day of January (or July) were :—

Debts owing to sundry persons by the Company:

Under decree, Rs.

On specialty, Rs.

On Notes or Bills, Rs.

On Simple Contracts, Rs.

On estimated Liabilities, Rs.

The Assets of the Company on that day were :—

Government Securities [*stating them*], Rs.

Bills of Exchange and Promissory Notes, Rs.

Cash at the Bankers, Rs.

Other Securities, Rs.

SECOND SCHEDULE.

FORM A.

Memorandum of association of a Company limited by shares.

1st.—The name of the Company is "the Company, Limited."

2nd.—The registered Office of the Company will be situate in

3rd.—The objects for which the Company is established are, " and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—The capital of the Company is Rs. divided into shares of Rs each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names :—

Names, Addresses, and Descriptions of Subscribers.	Number of shares taken by each subscriber.
1. A. B. of ...	
2. C. D. ,, ...	
3. E. F. ,, ...	
4. G. H. ,, ...	
5. I. J. ,, ...	
6. K. L. ,, ..	
7. M N. ,, ...	
Total shares taken ...	

Dated the day of

Witness to the above signatures.

O, P. of

* If the Company has no capital divided into shares, the portion of the Statement relating to capital and shares must be omitted.

FORM B.

Memorandum and Articles of Association of a Company limited by guarantee, and not having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "the Mutual Calcutta Marine Association, Limited."

2*nd.*—The registered Office of the Company will be situate in Calcutta.

3*rd.*—The objects for which the Company is established are "the Mutual Insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4*th.*—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of .

Witness to the above signatures

O P. of

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the purpose of registration, is declared to consist of five hundred members.

(2.) The Directors hereinafter mentioned may, whenever the business of the association requires it, register an increase of members.

Definition of Members.

(3.) Every person shall be deemed to have agreed to become a member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4.) The first General Meeting shall be held at such time not being more than three months after the incorporation of the Company, and at such place as the Directors may determine.

(5.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year at such place as may be determined by the Directors.

(6.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(7.) The Directors may whenever they think fit, and they shall upon a requisition made in writing by any five or more members, convene an Extraordinary General Meeting.

(8.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(9.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene a General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

Proceedings at General Meetings.

(10.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any General Meeting.

(11.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the Directors.

(12.) No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of members is present at the commencement of such business. Such quorum shall be ascertained as follows: that is to say, if the members of the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

(13.) If within one hour from the time appointed for the meeting, a quorum of members is not present, the meeting if convened upon the requisition of the members, shall be dissolved In any other case it shall stand adjourned to the same day in the following week, at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die.*

(14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.

(15.) If there is no such Chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be Chairman of such meeting.

(16.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17.) At any General Meeting, unless a poll is demanded by at least five members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such Resolution.

(18.) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the Chairman directs; and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

(19.) Every member shall have one vote and no more.

(20.) If any member is a lunatic or idiot, he may vote by his Committee or other legal Curator: if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21.) No member shall be entitled to vote at any meeting unless all monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by proxies. A proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a Corporation, under its common seal.

(23.) No person shall be appointed a proxy who is not a member, and the instrument appointing him shall be deposited at the registered Office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24.) Any instrument appointing a proxy shall be in the following form:—

COMPANY LIMITED.

I of

being a member of the Company Limited, hereby appoint of as my proxy, to vote for me and on my behalf at the [Ordinary or Extraordinary, *as the case may be*] General Meeting of the Company to be held on the day of , and at any adjournment thereof to be held on the day of next [*or* at any meeting of the Company that may be held in the year .]

As witness my hand, this day of

Signed by the said in the presence of

Directors.

(25.) The number of the Directors and the names of the first Directors shall be determined by the subscribers of the memorandum of association.

(26.) Until Directors are appointed, the subscribers of the memorandum of association shall be deemed to be Directors.

Powers of Directors.

(27.) The business of the Company shall be managed by the Directors, who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

Election of Directors.

(28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

(Here insert rules as to mode in which business of insurance is to be conducted.)

ACCOUNTS.

(29.) The accounts of the Company shall be audited by a Committee of five members, to be called the Audit Committee.

(30.) The first Audit Committee shall be nominated by the Directors out of the body of members.

(31.) Subsequent Audit Committees shall be nominated by the members at the Ordinary General Meeting in each year.

(32.) The Audit Committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and vouchers relating thereto.

(33.) The Audit Committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company. They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may in relation to such accounts examine the Directors or any other Officer of the Company.

(34.) The Audit Committee shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by these regulations of the Company, and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and in case they have called for explanations or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read together with the report of the Directors at the Ordinary Meeting.

Notices.

(35.) A notice may be served by the Company upon any member, either personally or by sending it through the Post in a letter addressed to such member at his registered place of abode.

(36.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put in to the Post Office.

Winding-up.

(37.) The Company shall be wound up voluntarily whenever an Extraordinary Resolution, as defined by the Indian Companies' Act, 1866, is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of ... ... Merchant.
2. C. D. of ... ... „
3. E. F. of ... .. „
4. G. H. of ... ... „
5. I. J. of ... ... „
6. K. L. of .. ... „
7. M. N. of ... ... „

Dated the day of 18 .

Witness to the above signatures.

O. P. of

FORM C.

Memorandum and Articles of Association of a Company limited by guarantee, and having a capital divided into shares.

Memorandum of Association.

1st.—The name of the Company is "The Hotel Company, Limited."

2nd.—The registered Office of the Company will be situate in

3rd.—The objects for which the Company is established are "the facilitating travelling in by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 18

Witness to the above signatures.

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lakhs of rupees divided into five thousand shares of one hundred rupees each.

2. The Directors may, with the sanction of the Company in General Meeting, reduce the amount of shares.

3. The Directors may, with the sanction of the Company in General Meeting, cancel any shares belonging to the Company.

4. All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Addresses, and Descriptions of Subscribers.	Number of shares taken by each Subscriber.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

O. P. of

Memorandum and Articles of Association of an Unlimited Company having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "The Patent Company."

2*nd.*—The registered Office of the Company will be situated in

3*rd.*—The objects for which the Company is established are "the working of a patent method of of which method O. P. of is the sole patentee.

We, the several persons whose names are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 186 .

Witness to the above signatures.

Q. R. of

Articles of Association to accompany the preceding memorandum of association.

Capital of the Company.

The capital of the Company is twenty thousand rupees divided into twenty shares of one thousand rupees each.

Application of Table A.

All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Addresses and Descriptions of subscribers.	Number of shares taken by subscribers.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

Q. R. of

FORM E. As required by the Second Part of the Act.

Summary of Capital and Shares of the Company made up to the day of

Nominal Capital Rs. divided into shares of Rs. each

Number of Shares taken up to the day of

There has been called up on each Share Rs.

Total amount of calls received Rs.

Total amount of calls unpaid Rs.

List of persons holding shares in the Company on the day of and of persons who have held Shares therein at any time during the year immediately preceding the said day of , showing their names and addresses and an account of the Shares so held.

Folio in Register Ledger containing particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing members on the day of	Additional Shares held by existing members during preceding year.		Shares held by persons no longer members.		
						Number.	Date of transfer.	Number.	Date of transfer.	

THIRD SCHEDULE.

Number and date of Act.	Title of Act.
No. XLIII of 1850 ...	An Act for the Regulation of Joint Stock Companies.
No. XIX of 1857 ...	An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations, either with or without limited liability of the members thereof.
No. VII of 1860 ...	An Act to enable Joint Stock Banking Companies to be formed on the principle of limited liability.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 12th March 1866, and is hereby promulgated for general information :—

ACT No. XI OF 1866.

An Act to repeal Act No. IV of 1855 *(for incorporating for a further period, and for giving further powers to the Assam Company).*

Preamble.

Whereas the Assam Tea Company is to be incorporated by a local Act of Parliament made and passed in the 28th and 29th years of the reign of Her Majesty, cap. CXXIX; but, under or by virtue of the second Section of the said Act of Parliament, its operation is deferred until the expiration of two months next after the day of the passing by the Governor General of India in Council of an Act to repeal the Act of the Legislative Council of India, No. IV of 1855; and whereas it is expedient to repeal the same Act in order that the said Act of Parliament may be brought into operation; It is hereby enacted as follows :—

Repeal of Act IV of 1855.

1. Act No. IV of 1855 is hereby repealed, except as to the repeal of Act No. XIV of 1854 effected thereby, and except as to contracts made, acts done, and liabilities incurred before the passing of this Act.

For two months the powers, rights, and liabilities of Assam Company not to be affected.

2. For the period of two months next after the day of the passing of this Act, the incorporation, powers, rights and liabilities of the said Company shall continue as if this Act had not been passed.

WHITLEY STOKES,

Asst. Secy. to the Govt of India,
Home Department (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information :—

ACT No. XII OF 1866.

An Act to provide for the compulsory taking of rights to form and maintain private water-courses from public works of irrigation.

Preamble.

Whereas it is expedient to provide for the compulsory taking of rights to form and maintain private water-courses through lands lying between public works of irrigation and the lands, mills, sewers, reservoirs or buildings of persons desiring water from such works for the purposes of irrigating, working or cleansing such lands, mills or sewers, or for bathing, drinking, manufacturing or other useful purposes; It is enacted as follows :—

Interpretation Clause. Number. "Section." "Local Government." "Collector." "Canal Officer."

1. In this Act, words in the singular include the plural, and words in the plural include the singular; "Section" means a Section of this Act; and in every place in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such place and includes a Chief Commissioner: "Collector" includes any Officer authorized to exercise the duties of a Collector of the land revenue of such place: and "Canal Officer" means the chief Officer invested by the Local Government with the immediate control of the District defined by the Local Government for the purposes of irrigation in which such place shall be situate.

Application to Canal Officer.

2. Whenever any person shall require the right to form and maintain, for any of the purposes aforesaid, a private water-course through the lands (hereinafter called the intervening lands) lying between a public work of irrigation and his own lands, mills, sewers, reservoirs or buildings, he shall apply in writing under his hand to the Canal Officer, stating

(1) The particulars of the right so required:

(2) That the applicant is willing to pay a reasonable sum for the purchase, rent or revenue thereof, to defray the expense of the survey, memoranda and plans required by this Act, to make reasonable compensation for any injury that may be caused to the intervening lands and to the crops thereon by the formation of the proposed water-course, and to construct and maintain such works connected therewith as may be necessary; and

(3) That he has endeavoured unsuccessfully to enter into an agreement with the owners, tenants and occupiers of the intervening lands as to the amount of the purchase-money or rent and compensation aforesaid.

Stamp.

Such application shall bear a stamp of eight annas.

Canal Officer to make local enquiry.

3. On receiving such application, the Canal Officer shall visit the intervening lands and make enquiry as to the expediency of forming the proposed water-course. If he is not satisfied of such expediency, he shall reject the application. But if he is satisfied of such expediency, he shall cause to be made at the applicant's expense a survey of the intervening lands and a memorandum and plan showing the direction, length, width and depth of the proposed water-course; the bridges, aqueducts, drains or other works (if any) to be made in connection therewith, and the amount of land required therefor. Such memorandum shall also state that, in the opinion of the Canal Officer, the formation of the proposed water-course will be a benefit to the applicant, and will cause no disproportionate injury to the intervening lands, and it shall be subscribed by the Canal Officer and recorded in his Office.

And either to reject application.

Or to cause survey, memorandum and plan to be made.

Memorandum to be subscribed and recorded by Canal Officer.

Plan and copy of memorandum forwarded to Collector, and copy of memorandum furnished by him to Lumberdars.

4. The Canal Officer shall forward the said plan together with a copy under his hand of such memorandum to the Collector, who shall furnish a copy under his hand of the memorandum to the Lumberdar or Sudder Malguzar of every village through which the proposed water-course is to pass.

Proclamation of contents of memorandum.

5. The Collector shall also cause the contents of the said memorandum to be proclaimed in every such village in the local vernacular language, and shall at the same time cause notice to be published in the same language in every such village that any person interested in the lands to be traversed by the proposed water-course, and objecting to its formation, shall be at liberty to apply to him within fifteen days from the date of such proclamation.

Petition to Collector against water-course.

6. Any such person may within the time hereinbefore limited present a petition to the Collector, stamped with a stamp of the value of eight annas and setting forth his objections to the formation of the proposed water-course. The Collector may in his discretion either reject the petition, recording his reasons thereon, or make an enquiry, of which he shall give previous notice to the Canal Officer, as to the validity of the objections, and summon witnesses and require them to produce before him all such documents as he shall think fit. Persons so summoned shall be subject to the law for the time being in force as regards persons summoned before a Collector acting judicially.

Procedure of Collector on receipt of petition.

Memorandum by Collector.

7. If no objection shall have been made under the provisions of Section 6;

Or if the Collector shall think that the objections (if any) to the formation of the proposed water-course are insufficient and that such water-course should be formed;

Or if he shall think that such objections are sufficient, and that it should not be formed;

Or if he shall think that such objections exist, but that they may be obviated by the construction of bridges, aqueducts, drains or other such works, in addition to the works (if any) referred to in Section 3, and that the proposed water-course should be formed, proper provision being made for the construction and maintenance of such additional works (mentioning them),

He shall make, subscribe and record in his Office a memorandum to that effect.

Copy of Collector's memorandum to be sent to Canal Officer.

8. The Collector shall thereupon send the Canal Officer a copy under his hand of such memorandum.

Procedure thereon when Canal Officer and Collector agree that water-course should be formed.

9. If the Canal Officer shall agree with the Collector that the water-course should be formed, and that no additional works connected therewith are needed, he shall proceed according to the provisions in such case contained in Section 14.

When Canal Officer and Collector agree that the water-course should not be formed.

10. If he shall agree with the Collector that the water-course should not be formed, he shall give notice thereof to the applicant, and all proceedings shall thereupon be stayed.

When Canal Officer and Collector agree that the water-course should be formed, provision being made as to additional works.

11. If the Canal Officer shall agree with the Collector that the water-course should be formed, proper provision being made for the construction and maintenance of the additional works mentioned in Section 7, he shall cause to be prepared at the expense of the applicant a memorandum and plan of the same works and shall record such memorandum and plan in his Office and shall forward to the Collector the plan and a copy of the memorandum.

Procedure in case Collector and Canal Officer disagree.

12. If the Canal Officer disagree with the Collector's memorandum under Section 7, he shall submit the copy thereof sent to him under Section 8, together with a statement of his own reasons for such disagreement, through the head of his own Department, to the Commissioner of the Division. If the Commissioner agree with the Canal Officer, the Commissioner's decision on the points in dispute shall be final. If the Commissioner disagree with the Canal Officer, the whole case shall be referred to the final decision of the Local Government.

Procedure where Collector is himself Canal Officer.

13. Where the Collector is himself the Canal Officer, he shall forward to the Commissioner of the Division all petitions presented under Section 6, who shall then proceed in the same manner, and with

the same powers, as if he were a Collector acting under Section 6; and in every such case Sections 7, 8, 9, 10 and 11 shall be read as if for the word "Collector" the words "Commissioner of the Division" were substituted.

Procedure after thirty days from the giving of notice under Section 5.

14. At the expiration of thirty days from the giving of the notice mentioned in Section 5, if under the provisions hereinbefore contained it shall have been determined that the proposed water-course is to be formed, the Canal Officer shall enter upon the intervening lands and mark out the limits of the proposed water-course; and thereupon the Collector shall adjust the amount to be given as purchase-money, rent and revenue or any of them for the right and as compensation for the injury respectively mentioned in Section 2. In making such adjustment the Collector shall follow the procedure and may exercise the powers prescribed for and conferred upon him by Act No. VI of 1857, Sections 4, 5, 6 and 7.

Collector to fix compensation.

Collector to require applicant to pay purchase-money.

15. The Collector shall then require the applicant to pay such amount (if any) as shall be payable at once, and, if the said Collector shall think fit, to deposit with him such security as he shall deem sufficient for the due payment of the rent and revenue (if any) aforesaid, and for the construction and maintenance of the works (if any) connected with the said water-course. And, on compliance with such requirement, the Collector shall authorize the applicant to take and enjoy the right aforesaid.

On payment, applicant to be authorized to take right.

Applicant may enter with workmen, &c.

16. On receiving such authority from the Collector, it shall be lawful for the applicant, with such workmen, cattle and things as may be necessary, to enter upon the intervening lands and make the proposed water-course within the limits so marked out as aforesaid, and either to remove all or any of the clay, sand, gravel and stones which shall be taken out of the said water-course, or to use all or any parts thereof in making the said water-course and the works connected therewith, and to use such water-course for the purpose of conveying water from the said public works of irrigation in the direction of and into his lands, mills, sewers, reservoirs or buildings as the case may be, at the place indicated in the plan mentioned in Section 3; and from time to time, with such workmen, cattle and things as aforesaid, to enter upon the said intervening lands and inspect, repair and cleanse the said water-course, and from time to time for the purposes aforesaid to place upon the same lands and to remove such materials, machinery and other things as he shall think fit.

Power to Local Government to make rules.

17. It shall be lawful for the Local Government from time to time to prescribe rules, consistent with the provisions of this Act, upon all or any of the subjects next hereinafter mentioned (that is to say):—

(1.)—The formation of the water-course and the works (if any) connected therewith, in a proper and workmanlike manner:

(2.)—The removal of the clay, sand, gravel and stones excavated in the formation of the water-course, and not used as aforesaid:

(3.)—The time for the completion of the water-course and the works (if any) connected therewith:

(4.)—The cleansing of the water-course and the maintenance and repair of the water-course and works (if any) connected therewith:

(5.)—The avoidance of unnecessary damage to the surface of the adjoining lands and the crops for the time being thereon and the compensation for such damage (if any):

(6.) The prevention of injury to the water-course and of interference with the flow of water through the same:

(7.) The making good of such injury and the restoration of the flow of water:

(8.) The adjustment of the rights in the water-course of the persons for whose benefit it is formed or to whose benefit it may afterwards be extended:

(9.) In case the water-course be discontinued, the conditions on which the owner of the intervening lands may enter upon the ground within its limits, and the conditions on which the persons mentioned in paragraph (8) of this Section may be discharged from the further payment of rent or revenue in respect of the water-course.

Such rules, when they shall have received the sanction of the Governor-General of India in Council, and when they shall have been published in the Official Gazette, shall be read with and taken as part of this Act.

Bar of suits for the compulsory taking, prior to this Act, of land for private water-courses.

18. No suit shall lie in respect of the compulsory taking, prior to the passing of this Act, of any land for the formation of a private water-course for any of the purposes mentioned in the preamble to this Act. But in every such case it shall be lawful for the Collector within one year from the passing or extension of this Act, on the application of the person from whom the land was so taken, his representatives or assigns, to adjust, in manner hereinbefore referred to, the amount to be given as purchase-money, rent or revenue for the said land; and, on failure, within thirty days after such adjustment shall have been notified to the person who shall have taken such land, his representatives or assigns, to pay the said purchase-money, or to give security to the satisfaction of the Collector, for the due payment of the said rent or revenue, the Collector may replace the person from whom the land was so taken, his representatives or assigns, in possession of the land aforesaid. The Collector may also award to him or them such compensation as the Collector shall think fit for the injury (if any) done to such land by the formation of the water-course, and the

Procedure in such cases.

amount of such compensation may be recovered in such manner as the Local Government shall provide.

Present extent of Act.

19. This Act applies to the Territories respectively under the Governments of the Lieutenant Governor of the North-Western Provinces and the Lieutenant Governor of the Punjab. But it may be extended, *mutatis mutandis*, to any other part of British India by an order of the Local Government notified in the Official Gazette; and from the date of any such extension, so much of any Act, Regulation or Rule having the force of law which shall be in operation in the Territories to which such extension shall have been made, as shall be inconsistent with this Act or with any Rule prescribed by such Government pursuant to Section 17, shall cease to have effect in such Territories.

Act may be extended.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information:—

ACT No. XIII OF 1866.

An Act to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province.

Preamble.

Whereas it is expedient to exempt certain suits in Oude relating to land from the operation of the rules of limitation in force in that Province; It is enacted as follows:—

Bar of certain suits relating to tenures.

1. No suits relating to any tenure which, under the provisions of Act No. XVI of 1865, shall be solely cognizable in the Courts of Revenue in the said Province, shall be barred under the rules of limitation in force in such Courts if the cause of suit shall have arisen on or after the 13th day of February 1844. And any suit or appeal relating to any tenure and cognizable as aforesaid, which may have been rejected or dismissed upon the ground that the suit was barred under the said rules, may be revived and heard on the merits, if the cause of suit shall have arisen on or after such day.

Bar of redemption-suits when mortgage executed before 13th February 1844.

2. When a mortgagee shall, under or by virtue of a mortgage executed before the said day, have obtained possession of any land comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring a suit in any Civil Court or any Revenue Court in the said Province to redeem the mortgage of such land, any subsequent acknowledgment of the title or right to redeem of the mortgagor, or of any person claiming through him, notwithstanding. Provided that any suit for the redemption of land, which may have been rejected or dismissed upon the ground that the suit was barred under some rule of limitation in force, or supposed to be in force, in the said Province, may be revived and heard as aforesaid, if the mortgage shall have been executed on or after the said day.

Certain redemption-suits may be revived when the mortgage was executed on or after 13th February 1844.

This Act not to bar redemption-suits where term for redemption had not expired before 13th February 1856.

3. Nothing herein contained shall be taken to bar a suit for redemption in any case where, by the instrument of mortgage, a term was fixed within which the property comprised therein might be redeemed, and such term had not expired before the 13th day of February 1856; Provided that if any such term had expired before that day, the suit shall be barred whatever may have been the date on which the instrument was executed.

This Act to be read with Act No. XVI of 1865.

4. This Act shall be read with and taken as part of the said Act No. XVI of 1865.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India.
Home Department (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information:—

THE INDIAN POST OFFICE ACT, 1866.

ARRANGEMENT OF SECTIONS.

PART I

Preliminary.

SECTION.
1. Commencement of Act Short Title.
2. Interpretation Clause.
3 Repeal of Act No. XVII of 1854
4 References to Act No XVII of 1854 to be read as made to this Act.
5 Exclusive privilege of carrying letters vested in the Government of India
6 Persons expressly forbidden to collect, carry or deliver letters
7 Appointment of Officers for service of Post Office.

PART II.

Postage Rates.

8. Postage rates on letters.
9. Postage rates on newspapers
10 Newspapers how to be sent by letter-post.
11. Newspapers when charged with letter-postage
12. Proof-sheets.
13. Postage rates on books, packets of newspapers, &c.
14 Inland banghy postage
15. Table of distances for calculation of Banghy postage.
16. Where there is no banghy post, parcels, books, &c, may be carried by letter-post.
Certificate.

17. Book packets and parcels not exceeding ten tolahs in weight to go by letter-post unless directed to be sent by banghy or book-packet post.
18. Ship postage on parcels.
19. Governor-General in Council may direct prepayment of postage in all cases.
20. Governor-General in Council may alter the rates of postage.
21. Governor-General in Council may fix rates of steam postage.
22. Governor-General in Council may fix rates of postage for articles sent wholly or partly by sea.
23. Governor-General in Council may fix express postage rates.
24. Re-directed letters.

PART III.

Registered Letters.

25. Letters may be registered.
26. Governor-General in Council may declare in what cases registration shall be compulsory.

PART IV.

Re-delivered, Unpaid, Unclaimed and Refused Letters.

27. Re-delivery of letters and other articles once put into the Post Office.
28. Postage on unpaid letters, &c., to be paid by the receiver.
29. Unclaimed letters, how to be dealt with.
Unclaimed letters when sent to Post Master General's Office, to be opened.
And returned in Dead Letter covers to senders.
Money, &c., found therein, how disposed of.
30. Refused letters to be returned to posting office.

PART V.

Mails on board Inward and Outward bound Vessels.

31. Commanders of inward-bound vessels carrying Mails, how to proceed on arrival.
Penalty for disobeying directions in this Section.
32. Detention of letters on board inward-bound vessels.
33. Bounty-money.
34. Commanders of outward-bound vessels to receive Mails on board.

PART VI.

Postage Stamps.

35. Stamped letters to be considered as pre-paid.
36. Postage stamps to be provided by Government.
37. Postage stamps to be under management of Officer appointed by Government.
38. Rules for guidance of vendors of postage stamps.
39. Penalty for breach of such rules.
40. Penalty for refusing to supply stamps.
41. Penalty for selling stamps for higher price than the value denoted thereby.

PART VII.

Offences against the Post Office.

42. Penalty for sending dangerous substance by post.
43. Penalty for making false certificate in order to defraud Post Office.
44. Penalty for detaining Mails or opening mail bags.
45. Penalty for retaining letters, &c., delivered by mistake.
46. Penalties for breach of privilege conferred by Section 5.
47. Penalty for neglect on the part of persons employed to carry Mails.
48. Penalty for stealing, &c., or opening letters, &c., by persons employed in the Post Office.
49. Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.
50. Penalty for preparing incorrectly, altering or secreting documents, by persons employed in the Post Office.
51. Penalty for sending letters on which postage has not been paid or charged, by persons employed in the Post Office.
52. Penalty for abetting or concealing offences under this Act.
53. Any person charged with offence punishable with fine only may be summarily convicted.
54. Conviction to be quashed on merits only. Form of conviction.
55. Magistrate may refer charge to his Assistant.
56. Fines how levied.
Imprisonment if no sufficient distress, &c.
57. Share of fine to informer.
58. No proceedings for recovery of fines to be taken without an order.
59. Post Office servants committing offences in allied States.
60. Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

PART VIII.

Miscellaneous.

61. Property sent by the post to be laid in the Post Master General.
62. Letters on Her Majesty's service, duly certified as such, how to be charged.
63. Governor-General in Council may frame rules.
64. District dawks.
65. Government not responsible for loss.

ACT No. XIV OF 1866.

An Act to amend the law for the management of the Post Office, for the regulation of the Duties of Postage, and for the punishment of offences against the Post Office.

Preamble.

Whereas it is expedient to amend the law for the management of the Post Office, for the regulation of the duties of postage, and for the punishment of offences against the Post Office; It is enacted as follows :—

PART I.

Preliminary.

Commencement of Act. Short title.

1. This Act shall come into operation on the first day of May 1866, and may be cited as "The Indian Post Office Act, 1866."

Interpretation Clause. "Criminal Court." "Fine." "Clubbed Packet." "Newspaper." "Mails"

2. In this Act—unless there be something repugnant in the subject or context—"Criminal Court" includes every Judge, Magistrate, Justice of the Peace or Police Magistrate lawfully exercising jurisdiction in criminal cases: "Fine" includes a penalty or forfeiture, or a sum of money due upon a forfeited recognizance: "Clubbed packet" shall be taken to mean a packet containing a collection of letters, not made by an agent of the Post Office, transmitted through the Post Office with the view of the enclosed letters being delivered to more than one person through the agent of the person by whom the packet was made up: "Newspaper" shall include any periodical publication, published at regular intervals not exceeding thirty-one days: "Mails" shall include any letter, parcel or other article conveyed under the provisions of this Act, as well as any box, bag or other article, or any carriage, horse, messenger or other person employed or used by the Post Office for the conveyance or safe custody of

the mails; and "British India" includes the territories which are now or shall be vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106 (An Act for the better Government of India.)

"British India."

3. Act No. XVII of 1854 is hereby repealed, except so far as it repeals the whole or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced before this Act shall come into operation.

Repeal of Act No. XVII of 1854.

4. References to any Section of Act No. XVII of 1854 made in any Act passed subsequent thereto, shall be read as if made to the corresponding Section of this Act.

References to Act No. XVII of 1854 to be read as made to this Act.

5. Wheresoever, within British India, posts or postal communications are or shall be established by the Government of India, the said Government shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters, except in the following cases, that is to say—

Exclusive privilege of carrying letters vested in the Government of India.

(1) Letters sent by a private friend in his way, journey or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward or other profit or advantage for receiving, carrying or delivering the same.

(2) Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

(3) Letters solely concerning goods or other property sent either by sea or land to be delivered with the goods or property which such letters concern, without hire, reward or other profit, or advantage for receiving, carrying or delivering such letters. But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

6. Wheresoever, within British India, posts or postal communications are or shall be established by the Government of India, the following persons are expressly forbidden to collect, carry, tender or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say—

Persons expressly forbidden to collect, carry or deliver letters.

(1) Common carriers of passengers or goods, and their drivers, servants or agents, except letters solely concerning goods in their carriages.

(2) Owners and Commanders of ships, steamboats or other vessels passing on any river or canal, or to or from any port in British India, and their servants or agents, except letters solely concerning goods on board.

7. For carrying on the service of the Post Office, it shall be lawful for the Governor-General of India in Council to appoint or to authorize the appointment of such Officers, with such official styles or designations, and to invest them with and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor-General of India in Council may, from time to time, deem expedient.

Appointment of Officers for service of Post Office.

PART II.

Postage Rates.

8. Wheresoever posts or postal communications are or shall be established by the Government of India, postage, if pre-paid by a stamp or stamps as hereinafter provided, shall be charged by weight on letters transmitted by the letter-post by land, according to the following scale:—

Postage rates on letters.

On every letter not exceeding a quarter of a tolah in weight,—six pie:

On every letter exceeding a quarter of a tolah and not exceeding half a tolah in weight,—one anna:

On every letter exceeding half a tolah and not exceeding one tolah in weight,—two annas:

And for every half tolah in weight above one tolah, one additional anna; and every fraction of half a tolah above one tolah shall be charged as one additional half tolah.

Every article transmitted by the letter-post shall be deemed a letter within the meaning of this Section, unless it be an article on which a different rate of postage shall be chargeable under this Act.

9. Wheresoever posts or postal communications are or shall be established by the Government of India, postage on newspapers, transmitted by the letter-post by land, shall be charged by weight according to the following scale:—

Postage rates on newspapers.

On every newspaper not exceeding ten tolahs in weight,—one anna:

On every newspaper exceeding ten tolahs and not exceeding twenty tolahs in weight,—two annas:

And for every ten tolahs in weight above twenty tolahs, one additional anna; and every fraction of ten tolahs shall be charged as ten additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

10. A newspaper shall not be sent by the letter-post at the rates prescribed in the last preceding Section, unless the following conditions be observed, that is to say—

Newspapers how to sent by letter-post.

(1.) It shall be without a cover, or in a short cover open at both ends :

(2.) There shall be no word printed on such newspaper after its publication, or upon the cover thereof, nor any writing or mark upon it, or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender :

(3.) There shall be no paper or thing enclosed in or with any such newspaper.

11. Any newspaper sent by the letter-post in respect of which the above conditions shall not be observed shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Newspapers when charged with letter postage

12. Proof-sheets marked as such may be sent by the letter-post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender; otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Proof-sheets.

13. Subject to such rules and conditions as the Governor-General of India in Council may from time to time direct, books, packets of newspapers and other articles, provided the postage thereon be prepaid by means of a proper stamp or stamps to be affixed thereon as hereinafter provided, shall be charged with the following rates of postage, without reference to the distance to which they may be carried :—

Postage rates on books, packets of newspapers, &c.

If not exceeding ten tolahs in weight,—one anna :

If exceeding ten tolahs and not exceeding twenty tolahs in weight,—two annas :

And for every ten tolahs in weight above twenty tolahs, one additional anna ; and every fraction of ten tolahs shall be charged as ten additional tolahs.

If the postage chargeable on any such book or other article be not pre-paid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in Section 14 of this Act.

14. Inland postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale :—

Inland banghy postage.

For distances		If not exceeding in weight															
		20 Tolahs.		50 Tolahs.		100 Tolahs.		200 Tolahs.		300 Tolahs.		400 Tolahs.		500 Tolahs.		600 Tolahs.	
	Miles.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	A	Rs.	A.	Rs.	A.
Not exceeding	300	0	4	0	8	0	12	1	8	2	4	3	0	3	12	4	8
Not exceeding	600	0	8	1	0	1	8	3	0	4	8	6	0	7	8	9	0
Not exceeding	900	0	12	1	8	2	4	4	8	6	12	9	0	11	4	13	8
Not exceeding	1,200	1	0	2	0	3	0	6	0	9	0	12	0	15	0	18	0
Exceeding	1,200	1	4	2	8	3	12	7	8	11	4	15	0	18	12	22	8

Provided that not more than one letter shall be enclosed in a banghy parcel, under a penalty not exceeding fifty rupees.

15. Banghy postage, when chargeable by distance under Section 14 of this Act, shall be calculated and charged according to such Table of distances as shall be authorised from time to time for that purpose by the Governor-General of India in Council. And it shall be lawful for the Governor-General of India in Council to declare that the distances from or to Post Offices not entered in such Table shall, for the purposes of this Act, be regarded as represented by the distances shown in the Table from or to the Post Offices nearest to them respectively. Each Post Master General shall prepare from the aforesaid Table, in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices in India, arranged alphabetically, and showing the distance of each of them from the Post Office for the use of which it is made, and such list shall be affixed in some conspicuous place in such Post Office.

Table of distances for calculation of Banghy postage.

16. Where there is no banghy post established on any line of road, parcels, books, and other articles shall be received and transmitted by the letter-post, and shall be charged with postage according to the scale in Section 13 or 14 of this

Where there is no banghy post, parcels, books, &c., may be carried by letter post.

Act, as the case may be, if it be certified in writing, on such parcel, book-packet or other article under the full signature and address of the sender, that it does not contain any letter or other written communication on which a higher rate of postage is chargeable under any Section of this Act.

Certificate.

If any such certificate be false, any such letter or other written communication contained in such certified parcel, book-packet or other article shall be charged with letter postage as if sent separately, and the sender shall be subject to the penalty hereinafter provided.

Book-packets and parcels not exceeding ten tolahs in weight to go by letter-post unless directed to be sent by banghy or book-packet post.

17. All book-packets and parcels not exceeding ten tolahs in weight, sent through the Post Office, shall be conveyed by letter-post, and be charged with letter postage, unless specially directed to be sent by banghy or book-packet post.

Ship postage on parcels.

18. On all parcels chargeable under Section 14 of this Act with banghy postage according to distance when conveyed by land, ship postage shall be charged when they are conveyed by means of Her Majesty's Indian post by sea, according to the following scale, that is to say—

On every parcel not exceeding twenty tolahs in weight,—two annas :

On every parcel exceeding twenty tolahs but not exceeding forty tolahs in weight,—four annas :

On every parcel exceeding forty tolahs but not exceeding one hundred tolahs in weight,—eight annas :

And for every hundred tolahs in weight above one hundred tolahs,—eight additional annas. Every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs ; and if such parcel be conveyed by Her Majesty's Indian Post, partly by land and partly by sea, ship postage shall be charged in addition to inland banghy postage.

Governor-General in Council may direct prepayment of postage in all cases.

19. It shall be lawful for the Governor-General of India in Council at any time to direct that all or any letters or other articles shall not be forwarded by post, unless the postage thereof shall be fully pre-paid by means of a proper stamp or stamps ; or that on all or any letters or other articles on which the postage shall not be fully pre-paid by a stamp or stamps, or otherwise, as the said Governor-General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

Governor-General in Council may alter the rates of postage.

20. It shall be lawful for the Governor-General of India in Council from time to time to authorize the levy of postage at rates different from those prescribed in this Act, provided that no increase be made in any particular of the rates prescribed in Sections 8 and 9 of this Act.

Governor-General in Council may fix rates of steam postage.

21. It shall be lawful for the Governor-General of India in Council from time to time to direct that postage duties, different from the rates authorized by this Act, shall be chargeable on letters or other articles to be specified in such order, sent through the post from or to any part of Great Britain, or any British colony, or any Foreign country to or from any places in British India. The postage charged on any letter or other article specified in any order of Council made under this Section, whether under the name of steam postage or any other denomination, shall, after the rates of such postage have been published in the Official Gazette of any Presidency, be recovered in the same manner as postage under this Act.

Governor-General in Council may fix rates of postage for articles sent wholly or partly by sea.

22. It shall be lawful for the Governor-General of India in Council to fix, from time to time, rates of postage to be levied on all letters or other articles transmitted by post, by sea, or partly by sea and partly by land, from one part or place in India to another. It shall not be necessary that such rates be uniform ; but they may vary according to the conveyance or route by which such letters or other articles shall be sent.

Governor-General in Council may fix express postage rates.

23. It shall be lawful for the Governor-General of India in Council from time to time to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to or instead of any other rates of postage chargeable on such letters and articles under this Act.

Re-directed letters.

24. On every letter or other article which shall be re-directed at any Post Office, or forwarded by post from any place to which it shall have been conveyed by post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, or from which it shall be forwarded, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable if posted and pre-paid by stamp at the place where it shall be re-directed or from which it shall be forwarded.

PART III.

Registered Letters.

Letters may be registered.

25. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article ; and it shall be lawful for the Governor-General of India in Council to direct that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid by means of a stamp or stamps affixed to the letter or other article.

Governor-General in Council may declare in what cases registration shall be compulsory.

26. It shall be lawful for the Governor-General of India in Council from time to time by order to declare in what cases registration shall be compulsory, and to direct that a double registration fee shall be levied on the delivery of any letter or other article which ought, under the order of the Governor-General in Council, to have been registered at the time of posting, on which the registration fee shall not have been pre-paid as directed in Section 25.

PART IV.

Re-delivered, Unpaid, Unclaimed and Refused Letters.

Re-delivery of letters and other articles once put into Post Office.

27. No person having delivered into any Post Office any letter or other article shall be entitled to re-call the same; but nothing in this Section shall prevent the re-delivery of any letter or other article to the sender thereof, subject to such rules and regulations, if any, as the Governor-General of India in Council may from time to time prescribe in that behalf.

Postage on unpaid letters, &c., to be paid by the receiver.

28. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened; but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or other article shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the Secretary of State for India by any Post Master General, or by any Officer in charge of a Post Office by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or other article addressed to that person, not being on Her Majesty's Service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the Office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery Office may remit the postage.

Unclaimed letters how to be dealt with.

29. *Clause* 1.—A list of all letters and other articles posted and addressed to persons who cannot be found shall be prepared daily in every Post Office, and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters and other articles which shall have remained three weeks unclaimed in any Office shall, if the sender's name and address are written on the cover, be returned to the Posting Office to be delivered to the sender free of all charge. All letters and other articles of which the sender's name and address cannot be ascertained unless they be opened, shall, after remaining unclaimed for three weeks as aforesaid, be forwarded to the Office of the Post Master General of the Presidency.

Unclaimed letters when sent to Post Master General's Office to be opened, and returned in Dead Letter covers to senders.

Clause 2.—The Post Master General or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters or other articles, and if the addresses of the senders can be discovered, shall enclose them in Dead Letter covers, and return them to the senders. All letters and other articles of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.

Money, &c., found therein how disposed of.

Clause 3.—All money found in any unclaimed letter or other article shall be paid into the Public Treasury; and all other valuable property found as above shall be sold by the Post Master General of the Presidency or by some one duly authorized by him for that purpose; and the proceeds of the sale shall be paid into the Public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

Refused letters to be returned to Posting Office.

30. Every letter or other article rejected unopened by the person to whom it is addressed, shall, if any postage is due thereon and if the sender's name and address are written on the cover, be returned to be Posting Office, in order that the postage due may be recovered from the sender; in all other cases, or when the sender's name and address are not on the cover, such letter or other article shall be forthwith sent to the Office of the Post Master General of the Presidency, who shall open the letter or other article and take measures to recover the postage from the sender, or shall at his discretion destroy the letter or other article; and all money or other valuable property which such letter or other article may contain, shall be disposed of in the manner prescribed in the preceding Section with respect to such money or property contained in unclaimed letters.

PART V.

Mails on board Inward and Outward bound Vessels.

Commanders of inward-bound vessels carrying Mails how to proceed on arrival.

31. When any vessel arrives by sea at any place within British India at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter, mail bag, box and packet on board of such vessel, which is directed to that place and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter, mail bag, box or packet, directed to any other place and not excepted from the exclusive privilege aforesaid, the said Commander shall as speedily as possible report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such

Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet. Every Commander of a vessel who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding one thousand rupees.

Penalty.

32. Every person being either the Commander of a vessel inward-bound or any one on board such vessel who shall, within British India, knowingly have in his possession any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding fifty rupees, whether the letter be in the baggage or on the person of the offender, or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an Officer of the Post Office, shall forfeit for every such letter a sum not exceeding one hundred rupees.

Detention of letters on board inward-bound vessel.

33. For every letter delivered by the Commander of any ship in conformity with the directions of Section 31 of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter, in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Section 31 and the former part of this Section of this Act, shall extend to any letter or mail bag, or box or packet conveyed by any mail ship or mail steamer recognized as such by the Governor-General of India in Council.

Bounty-money.

34. The Commander of every vessel leaving any place in British India by sea, shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully disobey any direction contained in this Section, shall be punished with a fine not exceeding one thousand rupees.

Commanders of outward-bound vessels to receive Mails on board.

PART VI.

Postage Stamps.

35. All letters and other articles having a stamp or stamps affixed thereto (such stamp or stamps in every case being affixed on the outside, and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act), shall, provided the stamp or stamps shall not have been used before, be considered as pre-paid.

Stamped letters to be considered as pre-paid.

36. The Governor-General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor-General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

Postage stamps to be provided by Government.

37. Postage stamps, provided as aforesaid, shall be under the care and management of such Officer or Officers as the Governor-General of India in Council shall from time to time direct: postage stamps shall be considered as stamps issued by Government for the purpose of Revenue, within the meaning of the Indian Penal Code; and all sums of money realized by the sale of such stamps shall be carried in the public accounts to the credit of the Post Office.

Postage stamps to be under management of Officer appointed by Government.

38. The Governor-General of India in Council may from time to time make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors; and whether any and what remuneration or discount shall be allowed to them; and how and in what manner, and at what time or times, such vendors shall keep and render their accounts, and pay over the proceeds of any sales made by them, or re-deliver the stamps entrusted to them.

Rules for guidance of vendors of postage stamps.

39. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be punished with a fine not exceeding two hundred rupees in addition to any other proceedings to which they may by liable.

Penalty for breach of such rules.

40. Any Government vendor of postage stamps who shall be convicted of refusing, or unnecessarily delaying without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof (the stamp vendor having in his possession for sale sufficient stamps of the description and value required), shall be punished with a fine not exceeding one hundred rupees.

Penalty for refusing to supply stamps.

41. Any Government vendor of postage stamps convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be punished on conviction with imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding six months, or shall be liable to a fine not exceeding one hundred rupees; and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Criminal Court, in the same manner as any penalty under this Act.

Penalty for selling stamps for higher price than the value denoted thereby.

PART VII.

Offences against the Post Office.

Penalty for sending dangerous substance by post.

42. No person shall knowingly post, or send, or tender, or deliver, in order to be sent by the post, any letter, parcel or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall be punished for every such offence with a fine not exceeding two hundred rupees.

Penalty for making false certificate in order to defraud the Post Office.

43. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify by writing on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver, for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send or permit to be sent by post, under colour or pretence of an official communication, any letter, paper, writing or other enclosure of a private nature, shall, for every such offence, be punished with a fine not exceeding five hundred rupees.

Penalty for detaining Mails or opening mail bags.

44. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a Post Office messenger whilst carrying the Mails, or to detain any carriage or horse upon which the Mails are being carried, or on any pretence to open a packet or mail bag or box in transit from one Post Office to another, and every person who shall be guilty of any of the above-mentioned offences, shall be punished with a fine not exceeding five hundred rupees.

Penalty for retaining letters, &c., delivered by mistake.

45. Every person who shall fraudulently retain, or wilfully secrete, or make away with or keep or detain, or, being required to deliver up by an Officer of the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a mail bag, box or packet containing a letter or other article which shall have been sent by the post, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Penalties for breach of privilege conferred by Section 5.

46. *Clause* 1.—Every person who shall convey otherwise than by the post, a letter not excepted from the said exclusive privilege conferred on the Government of India by Section 5 of this Act, shall, for every letter so conveyed, forfeit a sum not exceeding fifty rupees.

Clause 2.—Every person who shall perform, otherwise than by the post, any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, tendering or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees.

Clause 3.—Every person who shall make a collection of letters for the purpose of transmitting them through the post in a clubbed packet, and every person who shall knowingly tender or deliver a letter to be sent in a clubbed packet, shall forfeit for every such letter a sum not exceeding fifty rupees.

Clause 4.—Every person who shall send a letter not excepted from the said exclusive privilege, otherwise than by the post or shall either tender or deliver a letter not so excepted, in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees.

Clause 5.—Every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees.

Clause 6.—Every person who shall carry, receive, tender or deliver a letter, or collect letters contrary to the provisions of Section 6 of this Act, shall forfeit for every such letter a sum not exceeding fifty rupees.

Clause 7.—Every person who shall be in the practice of committing any of the acts mentioned in this Section, shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.

Penalty for neglect on the part of persons employed to carry Mails.

47. Every person employed to convey or deliver any mail bag or box, or any letter or other article sent by post, who shall be guilty, while so employed, of drunkenness, carelessness or other misconduct, whereby the safety of any such bag, box, or letter or other article shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, box, letter or other article; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter or other article, shall be liable to a fine not exceeding fifty rupees; and any person employed to deliver a letter or other article sent by the post, who shall not duly deliver the same, shall, within a reasonable time not exceeding twenty-four hours, report the fact at the Post Office where he received such letter or other article, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty rupees.

Penalty for stealing, &c., or opening letters, &c., by persons employed in the Post Office.

48. Whoever being in the employ of the Government in the Post Office Department, shall steal, fraudulently appropriate, or wilfully secrete, destroy or throw away any letter or other article sent by post, or anything contained in any such letter or other article, or shall mutilate or break open any such letter or other article, or any mail bag or box, with the intention of fraudulently appropriating anything therein contained, shall be punished, on conviction

before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding seven years, and shall also be liable to fine.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.

49. Whoever being in such employ as last aforesaid, shall fraudulently put any wrong mark on any letter or other article, or shall fraudulently alter, remove or cause to disappear any mark or stamp which is on any letter or other article; or shall fraudulently use or place with or upon any letter or other article, any stamp which shall have been removed from any other letter or other article; or, being entrusted with the delivery of any letter or other article, shall knowingly demand or receive any sum of money for the postage thereof other than the sum duly chargeable for such postage, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

Penalty for preparing incorrectly or altering or secreting documents by persons employed in the Post Office.

50. Whoever being in such employ as last aforesaid, and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare the document incorrectly, or alter that document, or secrete or destroy that document, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

Penalty for sending letters on which postage has not been paid or charged by persons employed in the Post Office.

51. Whoever being in such employ as last aforesaid, shall send by the post, or put into any mail bag or box, any unstamped letter or other article upon which postage has not been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter or other article, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

Penalty for abetting or concealing offences under this Act.

52. Whoever abets, within the meaning of the Indian Penal Code or conceals any offence made punishable by this Act, shall be punished with the punishment provided for such offence.

Any person charged with offence punishable with fine only may be summarily convicted.

53. Any person, whether a European British subject or not, who shall be guilty of any offence for which according to the provisions of this Act he shall be liable to a fine only, shall be punishable for such offence by any Criminal Court upon summary conviction.

Conviction to be quashed on merits only.

54. No conviction, order or judgment of any Criminal Court, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order or judgment, the evidence on which it proceeds, but the depositions taken or a copy of them shall be returned with the conviction, order or judgment, and if no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment, shall be aided by what so appears in such depositions.

Form of conviction.

Magistrate may refer charge to his Assistant.

55. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Fines—how levied.

56. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Criminal Court or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers. In case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take security by way of recognizance or otherwise. If upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if no sufficient distress, &c.

Share of fine to informer.

57. A share not exceeding one moiety of every fine imposed and recovered under this Act, may be awarded to the informer.

No proceedings for recovery of fines to be taken without an order.

58. No proceedings shall be taken for the recovery of any fine imposed under the authority of this Act, for offences punishable by fine only, without an

order of Government, or an order in writing under the hand of the Director General of the Post Office, or of a Post Master General, or other Officer specially invested with the powers of a Post Master General.

Post Office servants committing offences in allied States.

59. If any public servant who shall be employed in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the Government of India or any local Government with the sale of postage stamps within the dominions of any Foreign Prince or State in India in alliance with Her Majesty, in which a post shall be established by the Government of India, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed or entrusted as aforesaid within British India, such public servant shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within British India; and every such person may be tried, convicted and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor-General of India in Council, to take cognizance of offences committed in such dominions by public servants, or by any Court or Magistrate, or other competent Officer in any part of British India, in the same manner as if the offence had been committed in such part.

Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

60. If any Officer in charge of a Post Office shall suspect that any letter or other article lying for delivery at his Office contains any contraband article, or any article on which duty is owing to Government; or that any letter or other article lying for delivery at the Post Office contains any writing or enclosure in contravention of the provisions of Section 14 or 62 of this Act, it shall be lawful for such Officer to summon the person to whom the letter or other article is directed, to attend at the Post Office by himself or agent, within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter or other article in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter or other article shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior proceedings, and that the opening of the same and the circumstances connected therewith shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel through the Post Office by sea to any foreign port, or to any place not on the Continent of India, unless such parcel be accompanied by a Custom House Pass.

Property sent by the post to be laid in the Post Master General.

61. Whenever an offence shall be committed in respect of any mail bag or box, or any letter or other article sent by the post, it shall be lawful to lay, in the charge to be preferred against the offender, the property of such mail bag, box, letter or other article in the Post Master General of the Presidency; and it shall not be necessary in the charge to allege or to prove upon the trial or otherwise, that such mail bag, box, letter or other article was of any value; and in any charge to be preferred against any person employed under the Post Office for any offence committed against this Act, it shall be lawful to state that such offender was employed under the Post Office at the time of committing the offence, without stating further the nature or particulars of his employment.

PART VIII.

Miscellaneous.

Letters on Her Majesty's Service, duly certified as such, how to be charged.

62. Letters and other articles on Her Majesty's Service, certified to be such by the signature of any public Officer authorized in that behalf by the Governor-General of India in Council, shall be forwarded by the post, and the postage due thereon shall be charged to or recovered from the several public departments to or from which such letters or packets are sent, in such manner as the said Governor-General of India in Council shall, from time to time, direct.

Governor-General in Council may frame rules.

63. It shall be lawful for the Governor-General of India in Council from time to time to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed and delivered.

District dawks.

64. It shall be lawful for the Governor-General of India in Council from time to time to frame rules for the management of all or any zemindaree, thannah or other district dawks, and to declare from time to time what portions of this Act shall be applicable to such dawks, and to persons employed in connexion therewith.

Government not responsible for loss.

65. The Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Office for conveyance; and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously or fraudulently.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information :—

ACT No. XV OF 1866.

An Act to amend the Law of Partnership in India.

Preamble.

Whereas it is expedient to amend the Law relating to Partnership ; It is enacted as follows :—

Lender not a partner by advancing money for share of profits.

1. The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such.

Explanation.—A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment of the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, agree in writing to allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section.

Remuneration of agents, &c., by profits not to make them partners.

2. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein, nor give him the rights of a partner.

Certain annuitants not to be deemed partners.

3. No person being the widow or child of the deceased partner of a trader, and receiving by way of annuity a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of or to be subject to any liabilities incurred by such trader.

Receipt of profits, &c., not to make the seller a partner.

4. No person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to, the liabilities of the person carrying on such business.

Interpretation of "person."

5. In the construction of this Act, the word "person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information :—

ACT No. XVI OF 1866.

An Act to relieve the Governor-General of India in Council from the duty of signing the Commissions mentioned in Sections 22 and 44 of the High Courts' Criminal Procedure Amendment Act, 1865.

Preamble.

Whereas it is expedient to relieve the Governor-General of India in Council from the duty of signing the Commissions respectively mentioned in Sections 22 and 44 of "The High Courts' Criminal Procedure Amendment Act, 1865;" It is enacted as follows :—

Seal to be made.

1. A seal shall be made at the expense of the Government of India with this inscription, "The Seal of the Governor-General of India in Council," and shall be kept in the custody of such person as the Governor-General of India in Council shall from time to time appoint in that behalf, and the Commissions respectively mentioned in Sections 22 and 44 of "The High Courts' Criminal Procedure Amendment Act, 1865," may be stamped with such seal by such person as the Governor-General of India in Council shall from time to time appoint in that behalf; and when so stamped shall be equally valid and effectual as if they had been signed by the Governor-General of India and the Members of his Council.

Stamping of Commissions under Act No. XIII of 1865, Sections 22 and 44.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information :—

ACT No. XVII OF 1866.

An Act to provide for the establishment of a Public Museum at Calcutta.

Preamble.

Whereas it is expedient to provide for the establishment of a Public Museum at Calcutta, to be called the Indian Museum ; It is enacted as follows :—

Building to be erected for Indian Museum.

1. The Governor-General of India in Council shall cause to be erected at the expense of the Government of India, a suitable building in Calcutta, on or near the site now occupied by the Small Cause Court, to be devoted in part to collections illustrative of Indian Archæology and of the several branches of Natural History, in part to the preservation and exhibition of

other objects of interest, whether historical, physical, or economical, in part to the records and offices of the Geological Survey of India, and in part to the fit accommodation of the Asiatic Society of Bengal and to the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings and other property.

Building to be erected according to plans approved by the Secretary to the Department of Public Works and the Council of the Asiatic Society.

2. The said building shall be constructed according to such plans and specifications as shall have been approved of and agreed upon by and between the Secretary to the Government of India in the Public Works Department for the time being and the Council of the said Society; and in case the said Secretary and Council shall be unable to agree with reference to any such plans or specifications, the point or points on which they shall so disagree shall be referred to the final decision of the Governor-General of India in Council. Such building shall be completed, so far as to be in a condition to receive the collections mentioned in Section 11 of this Act, within five years from the date of the passing of this Act; and the Government of India shall keep the building in repair, and pay and defray the salaries, allowances and pensions of the officers and servants, and all other expenses connected with the said Indian Museum.

Trustees of the Indian Museum incorporated.

3. The Chief Justice of the High Court of Judicature at Fort William in Bengal,

the Bishop of Calcutta,

the Vice-Chancellor of the University of Calcutta,

the Secretary to the Government of India in the Home Department,

four other persons to be nominated by the Governor-General of India in Council,

the President of the Asiatic Society of Bengal and three other Members of the said Society for the time being, to be nominated by the Council of the said Society,

the Superintendent of the Geological Survey of India,

and their successors, appointed as hereinafter directed and subject to the provisions hereinafer contained, shall be and are hereby constituted a Body Corporate by the name of the "Trustees of the Indian Museum," and shall have a common seal, and by such name shall have perpetual succession; and all the powers of the said Corporation may be exercised so long and so often as there shall exist five Members thereof.

Trustees empowered to receive bequests, donations and subscriptions.

4. It shall be lawful for the said Body Corporate to receive bequests, donations and subscriptions of land, buildings, money and any such objects of interest as aforesaid, and to hold the same and to lay out such money for the purposes of the said Indian Museum in the improvement and enlargement of the collections deposited in, presented to or purchased for the said Museum, and all such collections shall become the property of the said Body Corporate for the purposes of their Trusts herein mentioned; and the said Body Corporate shall have the exclusive possession, occupation and control, for the purposes of such Trusts, of the said building, other than those portions thereof which upon its completion shall be set apart by the said Body Corporate for the records and offices of the Geological Survey of India, and for the accommodation of the said Society, and the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings and other property.

Ex-officio Members.

5. The persons for the time being holding the offices respectively mentioned in Section 3 of this Act shall be ex-officio Members of the said Body Corporate, and shall cease to be such Members respectively upon ceasing to hold the said offices respectively. In the event of any two of the said offices being held by the same person, it shall be lawful for the Governor-General of India in Council from time to time to nominate such other person as to him may seem fit, to be a Trustee under this Act so long as the said two offices shall be held by one person. Provided that when and so often as the said Chief Justice, Bishop, Vice-Chancellor, Secretary to the Government of India in the Home Department, or Superintendent of the Geological Survey of India shall also be the President of the said Society, the Council of the Society may nominate any other person bein g a Member of the Society to be a Trustee under this Act so long as such Presidency shall be held by the said Chief Justice, Bishop, Vice-Chancellor, Secretary or Superintendent.

Provision in case of two offices being held by one person.

Power to appoint new Trustees.

6. If any of the said Trustees to be nominated by the Governor-General of India in Council or by the Council of the said Society, or any Trustee appointed as herein provided, shall die or be absent from India for a period exceeding twelve months, or desire to be discharged, or refuse or become incapable to act, then and in every such case it shall be lawful for the Governor-General of India in Council or the Council of the said Society, as the case may be, to appoint a new Trustee in the place of the Trustee so dying or being absent from India or desiring to be discharged or refusing or becoming incapable to act as aforesaid, and every Trustee so appointed shall thereupon become and be a Member of the said Body Corporate as fully and effectually as if he had been hereby constituted a Trustee.

Quorum.

7. At all meetings of the said Cody Corporate, five shall be a quorum for the transaction of business and for the exercise of any of the powers conferred upon them by this Act.

Power to Trustees to make, alter and repeal bye-laws and to appoint officers and servants.

8. It shall be lawful for the said Body Corporate from time to time to make, alter and repeal bye-laws consistent with this Act for the management of the said Museum, for the summoning, holding and adjournment of General and Special Meetings of Members of the Body Corporate, for securing the attendance of the

Members at such meetings, for the provision and keeping of minute books and account books, for the compiling of catalogues and for all other purposes necessary for the execution of their Trust. And all officers and servants, salaried or otherwise, employed in the care or management of the Trust property shall be appointed, and may be removed or suspended by the said Body Corporate, subject to such regulations and conditions as such Body Corporate shall think proper, and such officers and servants shall be considered public servants within the meaning of the Indian Penal Code.

Trustees may exchange or sell duplicates.

9. It shall be lawful for the Trustees from time to time, to order any duplicates of printed books, medals, coins, specimens of Natural History or other curiosities to be exchanged for manuscripts, books, or other objects of interest, or to direct any such duplicates to be sold and the money to arise from such sale to be laid out in the purchase of manuscripts, books, maps, medals, coins, specimens of Natural History or other curiosities that may be proper for the said Museum.

Trustees shall furnish annual reports and accounts.

10. The said Trustees shall furnish to the Government of India, on or before the first day of December in each year, a report of their several proceedings, acts, and ordinances for the past twelve months, and further shall furnish on or before the same day in each year to such Auditor as the Governor-General of India in Council shall appoint in this behalf accounts of all monies expended by the Trustees during the past twelve months supported by the necessary vouchers. The said report and accounts shall be annually published for general information.

Asiatic Society to remove their collections to the new building.

11. The Council of the said Society shall cause the collections belonging to the Society and illustrative of Indian Archæology and the several branches of Natural History, and all additions that may be made thereto, whether before or after the time next hereinafter mentioned, to be removed to and deposited in the said building, at the expense of the Government of India, as soon as the same shall be completed so far as aforesaid.

The Asiatic Society to retain their Library, &c., and the Council of the Society to have exclusive possession of the portions of the new building to be set apart for the Society.

12. The said Society shall continue to have the same exclusive property in and control over their said Library, Manuscripts, Maps, Coins, Busts, Pictures and Engravings, which they at present possess, and the Council of the said Society shall have the exclusive possession, occupation and control, for the purposes of the said Society, of those portions of the said building which shall, upon its completion, be set apart for the accommodation of the said Society and the reception of their Library and other property mentioned in Section 4 of this Act.

Collections of Asiatic Society to be kept distinguished in the Museum.

13. Every article in the collections and additions mentioned in Section 11 of this Act shall be marked and numbered and shall be kept and preserved in the said Indian Museum with such marks and numbers, and an inventory of such articles shall (subject to the provisions contained in Sections 9, 14 and 15 of this Act) be made by the said Society, and, on such articles being deposited as aforesaid, one copy of such inventory shall be signed by the said Trustees, and kept by the said Society, and another copy shall be signed by the Council of the said Society, and kept by the said Trustees. All objects taken in exchange under Section 9 of this Act for, and all monies payable on sale under the same Section of, any of such articles, shall be held on trusts and subject to powers and declarations corresponding as nearly as may be with the trusts, powers and declarations by this Act limited and declared concerning the same articles.

Custody of the collections of the Asiatic Society until completion of the new building.

14. Until the said building shall be completed so far as aforesaid, the said collections of the said Society and all additions that may be made thereto in the mean time shall remain in the house in which they are at present, but under the care of such persons as by the Trustees shall be approved and nominated in this behalf, with such salaries and allowances as, subject to the approval of the Government of India, the Trustees shall limit and direct; and the said collections and additions shall be open to all persons desirous to view the same, under such rules as by the said Trustees shall be established, and the said salaries and allowances shall be paid by the Government of India.

In case of determination of Trust, Asiatic Society may reclaim their collections.

15. In the event of the Trust hereby constituted being determined, all collections then in the said Indian Museum, other than those next hereinafter mentioned, shall become the property of the Government of India, and the collections and additions mentioned in Section 11 of this Act shall become the property of the said Society or their assigns; and the said Society shall vacate the portions of the said building which shall have been set apart as in the twelfth Section of this Act is mentioned; and such portions shall then become the property of the Government of India, anything in this Act contained to the contrary notwithstanding.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 23rd March 1866.

No. 10 OF 1866.

A Bill to extend the Indian Marriage Act, 1865, *to the Hyderabad Assigned Districts.*

Preamble.

Whereas it is expedient to extend the provisions of the Indian Marriage Act, 1865, to the Christian British subjects of Her Majesty within the Hyderabad Assigned Districts; It is enacted as follows:—

Indian Marriage Act, 1865, to extend to Christian British subjects in the Hyderabad Assigned Districts.

1. From and after the passing of this Act, the Indian Marriage Act, 1865 shall, so far only as regards Christian British subjects of Her Majesty, extend to the Hyderabad Assigned Districts.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to extend, under the powers conferred on the Indian Legislature by Statute 28 Vic., cap. 17, the Indian Marriage Act, 1865, to the Christian British subjects of Her Majesty in the Hyderabad Assigned Districts.

There are three classes of persons in those Districts who were, until lately, altogether unprovided with a marriage-law: 1*st*, Native Christians being subjects of the Nizam, 2*nd*, Christian British subjects resident within the Districts, and, 3*rd*, Christians there resident, who are neither subjects of Her Majesty nor of the Nizam. For the first class, the Governor-General in Council, as representing the Nizam, has already provided by issuing an executive order applying Part V of the Act. The present Bill, if it become law, will provide for the second class. The marriage law of members of the third class is probably that of their domicile of origin, and when any question as to such law arises general principles will be applied thereto.

H. S. MAINE.

The 7th March 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

Erratum.

In the Indian Companies' Act, 1866, published in the *Gazette* of the 17th March 1866.
Section 110, line 4, omit the words "by motion."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept (Legislative).

HOME DEPARTMENT.

No. 2619.

Fort William, the 19th March 1866.

NOTIFICATIONS.

Mr. James William Macnabb, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years, from the date of embarkation.

No. 2628.

The Hon'ble F. B. Kemp, Puisne Judge of the High Court, has obtained one month's leave (without pay) on urgent private affairs, with effect from the 15th instant.

No. 2637.

The services of Commander P. W. Mitcheson, late of the Indian Navy, are placed at the disposal of the Government of Bengal.

No. 2638.

Appointment.—Mr. A. J. Dodd to be Master Attendant of Moulmein.

No. 2682.

The 20th March 1866.

Mr. W. H. Henderson, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years, from the date of embarkation.

No. 2688.

A Supplementary Commission of the Peace for British Burmah was issued by the High Court of Judicature at Fort William in Bengal on the 2nd instant, directed to the under-mentioned gentlemen:—

William DeCourcey Ireland, Officiating Deputy Commissioner, 4th Grade, Myanoung.
Lieutenant Augustus George Strover, Cantonment Magistrate, Rangoon.
Thompson Shepherd, Deputy Commissioner, 3rd Grade, Mergui.
William Henry Clarke, L. L. D., Recorder of Moulmein and Rangoon.
William Henry Mountjoy, Honorary Magistrate, Akyab.
Lieutenant Charles O'L. Prendergast, Assistant Commissioner, 3rd Grade, Rangoon.
Captain William Munro, Assistant Commissioner, 3rd Grade, Myanoung.
William Gwynne Hughes, Assistant Commissioner, 3rd Grade, Thatone.

No. 2713.

The 21st March 1866.

The following Notification containing "Sailing Directions for entering the Bassein River," is republished for general information:—

MARINE NOTIFICATION.

The Flag Staff formerly at Dalhousie (which place has been entirely given up as a Pilot Station), has been erected on the S. E. point of Haingyee or

Negrais Island, and the following revised direction for entering the Bassein River are consequently published :—

Sailing Directions for entering the Bassein River.

I. Strangers should not attempt the passage to the westward of Negrais Island.

II. Vessels coming from the southward should bring Diamond Island to bear N. W., then steer for it until the Fair Way Buoy, which is situated 1½ miles N. E. of the Island, is visible; when near the Fair Way Buoy bring the Flag Staff on the S. E. point of Haingyee on, or a little shut in with the north-east point of that Island, which will place a ship nearly in mid channel, she should then steer up the Channel keeping these marks on till Pagoda Point bears west (true), when she must haul more to the eastward, passing the Flag Staff Point about half a mile distant in about from 8 to 10 fathoms, when abreast of the Flag Staff a vessel should not haul more to the northward, or bring the Flag Staff point to bear to the southward of S. W. ½ W. (true), until she has made rather better than half the distance between the Flag Staff Point and the north Point of Haingyee; this is necessary to avoid a ridge of rocks visible at low water spring tide, that run out from the Island, and extend somewhat beyond a line drawn from point to point of the Island. She may then haul in gradually and anchor in under the high land with the north point of the Island, bearing about N. W. by N. in 5 or 6 fathoms mud, where, in the S. W. Monsoons, smoother water will be found than higher up off Dalhousie.

It is here remarked that the centre of Diamond Island kept on the line of bearing S. 29 W. or S. W by S. ½ S. nearly will carry a vessel up nearly as far as Dalhousie Point clear of all dangers. Commanders of vessels are also informed of the necessity of paying careful attention to the set of the tides between Diamond Island and Orestes Shoal; they run nearly east and west, and do not take the course of the river until they reach above the Black Buoy.

III. Vessels entering from the westward in latitude north of Diamond Island, should bring it to bear S. E. Steer in for it until the Fair Way Buoy is made, then proceed as above directed for vessels entering from the southward. This passage, however, should be attempted by Sailing Vessels only in the North-East Monsoon.

IV. Vessels unable from stress of weather to distinguish the different marks, should anchor under Diamond Island, where good anchorage and smooth water is to be found.

The best and safest anchorage during the S. W. Monsoon is with the north end of the Island bearing W. ½ N., and distant one mile.

V. Pilots are usually to be had at or near Diamond Island. Should a Pilot be on shore there when a vessel is seen approaching, a Pilot Jack will be hoisted at the mast-head of the Flag Staff erected on the Island. But vessels not finding one and being provided with Lieutenant Ward's Chart, need have no hesitation in coming in as far as the north end of Haingyee. Should a Pilot be at Haingyee, the Pilot Jack will be hoisted at the Flag Staff erected on that Island.

VI. Buoys—

A First Class Red Buoy marks the extreme south end of the Orestes Shoal.

A First Class Red Buoy marks the eastern limit of the Orestes Shoal.

A First Class Black Buoy marks the extreme edge of the shoal extending from Porian Shore.

A First Class Red Buoy marked E. W. in white letters is placed 1½ miles north-east of Diamond Island.

A small Red Buoy marks the extreme northern limit of the shoal extending off the north-east end of Haingyee.

VII. The shoal extending south of Haingyee is called the "Orestes" Shoal, and that extending from Porian Shore westward is called the Porian.

The sailing directions from Dalhousie or Negrais Island to Bassein remain unchanged.

(Sd.) G. F. WELLS,
Master Attendant, Bassein.

Published by order of the Commissioner, Pegu.

(Sd.) H. LEWIS,
Master Attendant, Rangoon.

MASTER ATTENDANT'S OFFICE,
Rangoon, 20th December 1865.

No. 2718.

Mr. W. T. Law acted as Government Pleader at Moulmain from the 1st to the 20th of November, during the absence on leave of Mr. Saunders.

No. 2720.

The Governor General in Council is pleased to permit Mr. G. F. Cockburn to resign the Civil Service from the date of his departure for England.

No. 2734.

The Governor General in Council is pleased to permit Mr. Sulivan James Becher to resign the Civil Service from the date on which the Steamer "Delhi" may be left by the Pilot at sea.

No. 2737.

Appointment.—Major T. G. Glover, R. E., to officiate as Director General of Telegraphs in India during the absence on leave of Lieutenant Colonel D. G. Robinson, or until further orders.

No. 2742.

Lieutenant C. S. Noble, District Superintendent of Police in Oudh, returned to his duties on the 2nd instant from the leave to Europe granted to him on the 25th of July 1864, and is appointed temporarily to the Mohumdee District.

No. 2745.

Appointments in the Telegraph Department.

H. E. Thompson. W. McGregor. W. K. D. Bignell. T. Blissett. J. M. Lane. J. W. Grinnal. H. P. Owen. E. F. Faulkner. W. O'Brien. W. C. Darling. E. Wallis. Seeb Chunder Nundy. W. N. Toulmin. R. F. Parsons. F. Biallo Blotsky.	To be Assistant Superintendents of the 1st Grade.
G. A. Goslin. G. Richardson. R. F. Dallas. T. C. Hill. W. Evans. J. S. Lincoln. A. W. Swaine. S. Porter. W. H. Rees. T. L. Hill.	To be Assistant Superintendents of the 2nd Grade.
F. R Browne. R. D. G. Naylor. L. V. Fraser. G. G. Charles. J. G. Cairns. W. J. C. Westaway. C. F. Rowband. F. DeLastic. K. B. Thomas. H. O. Ford. W. Williamson. J. H. Campbell. J. C. Douglas. G. J. R. Leeson. T. McKelvey. J. Burke. S. W. Gerrard. J. J. Dooley. J. A. Briggs. E. C. Yeatman. T. C. P. Hawkes. G. Bowden. C. F. Van Ingen. J. C. Peter. T. G. Saunders. A. F. A. Harvey. C. Heymardinger. W. J. Browne. H. L. Harris. J. H. Faris. K. H. Jenkins. C. R. G. Gibson.	To be Assistant Superintendents of the 3rd Grade.
E. R. McGrath. G. Gough. H. Carson. C. J. Windle. H. J. A. Harvey. G. B. Jellicoe. A. Bucknall. C. Duffin. S J Josephs. M. Fleischer. B. Coen. W. F. Melhuish. J. T. O'Flyn. H. H. Tubb. F. W. F. Wiese.	To be Assistant Superintendents of the 4th Grade.

No. 2753.

The 22nd March 1866.

Mr. V. T. Taylor, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years, from the date of embarkation.

No. 2758.

Captain C. F. Sharpe, District Superintendent of Police, Gonda, in Oudh, availed himself, on the forenoon of the 19th ultimo, of the one month's privilege leave granted to him in Notification No. 324, dated the 12th of January last.

Mr. J. W. Anderson, Officiating Assistant District Superintendent of Police, will officiate as District Superintendent of Police during Captain Sharpe's absence.

No. 2760.

Appointment.—Captain W. M. Lane, Officiating Deputy Commissioner of Jhung, to officiate as Post Master General of the Punjab until further orders.

No. 2767.

Mr. W. McChlery, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years, from the date of embarkation.

No. 2788.

The 23rd March 1866.

Captain J. L. Loch, Assistant Commissioner, officiated as Judge of the Small Cause Court, Nagpore, in the Central Provinces, from the 8th to the 28th February 1866.

No. 2790.

Judicial.—Sir George Couper, Bart. and C. B., reported his departure per Steam Ship "Nemesis," which vessel was left at Sea by the Pilot on the 11th instant.

No. 2792.

Dr. Selons, Civil Assistant Surgeon, Sultanpore, is allowed two months' privilege leave, from the 20th instant, or from such subsequent date as he may be relieved of his charge.

No. 2794.

Judicial.—Sir George Couper, Bart., C. B., Judicial Commissioner of Oudh, availed himself, on the afternoon of the 2nd instant, of the preparatory leave granted to him under Orders No. 1998, dated the 28th ultimo, making over charge of his office to Mr. St. George Tucker, C. S.

No. 2797.

Ecclesiastical.—The following rules having received the concurrence of the Lord Bishop of Calcutta and of His Excellency the Commander-in-Chief, are published for the guidance of Chaplains, where Station Prisons exist in this Presidency:—

1st.—According to such rules as may have been sanctioned by the Commanding Officer of a Station, the Chaplain of the Station should visit the Prison in his official capacity, and have charge of

the moral and religious instruction of the prisoners, and will record his visits in a book open to the inspection of the Military Authorities. He shall also send an annual report of the state of the Prison, as far as his special functions are concerned, to the Officer Commanding the Station, for the information of Government through the Commander-in-Chief.

2nd.—The Chaplain will consider it his duty to hold at least one weekly service in the Prison, when practicable, for all men who are members of the Church of England, and for such other prisoners as may desire to attend.

3rd.—During the hot months this service should take place before 9 A. M.

4th.—A small Library of books calculated to impart both religious and secular instruction shall be established in each Prison, at the public expense, and shall be placed under the care of the Chaplain for the use of the prisoners under his direction. It must be understood that mere books of amusement are to be entirely excluded.

5th.—If it be considered expedient to authorize the establishment of Prison Schools, the supervision of the instruction of the prisoners will be vested in the Chaplain. The services of a Sergeant, or well educated Private, to be denominated the School Warder, competent to give instructions, might be placed at the disposal of the Chaplain, to assist him in this duty.

6th.—Nothing in these rules is to restrict the right of the Roman Catholic and Presbyterian Chaplains to enter the Prison, for the purpose of ministering to such prisoners as may belong to their respective persuasions and may request their services.

No. 2800.

Lieutenant F. N. M. Maynard, District Superintendent of Police, Pertabgurh in Oudh, was employed on special duty from the 23rd of November 1865.

Mr. H. A. F. Smith, Officiating Assistant District Superintendent of Police, has been appointed to officiate as District Superintendent of Police during Lieutenant Maynard's employment on special duty.

No. 2814.

The following arrangements in the Police of the Central Provinces have been sanctioned:—

Rae Debee Pershad, Assistant District Superintendent of Police, to officiate as District Superintendent of Police, Chanda, in addition to his present duties as Special Dacoity Agent, during the absence of Captain J. D. Vallance on privilege leave.

Lieutenant O. M. Bradshaw, Officiating Assistant District Superintendent of Police, Jubbulpore, to officiate as District Superintendent of Police, Raepore, while Captain F. G. Steuart, District Superintendent, officiates as Inspector General of Police.

No. 2816.

The Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. R. F. Saunders, of the Civil Service, who returned from furlough on the 19th instant.

No. 2831.

The under-mentioned Covenanted Civil Servants having produced the necessary medical certificates have been granted by the Right Hon'ble the Secretary of State for India, extensions of leave for the periods specified, viz.:—

Mr. W. Oldham	... ...	6 months.
„ W. E. Kinsey	... ...	6 „
„ E. H. Harrison	... ...	6 „
„ H. Bell	... .	5 „

Mr. G. L. Lang, of the Civil Service, has been granted by the Secretary of State an extension of leave on private affairs, without pay for six months.

No. 2835.

Mr. C. K. Dove received charge of the Office of Post Master General of the North-Western Provinces from Captain Battye, on the afternoon of the 2nd instant, and Major Fanshawe assumed charge of the Office of Post Master General of Bengal on the afternoon of the 15th idem.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

REVENUE.

No. 110.

Fort William, the 23rd March 1866.

Under the provisions of Section 5, the Governor-General in Council is pleased to extend Act XIII of 1859 to the British Province of Coorg.

His Excellency in Council is also pleased to direct that the provisions of the same Act shall be in force throughout the Province of Mysore.

GENERAL.

No. 441.

The 20th March 1866.

Mr. W. H. Kerr, Superintendent of Coorg, is granted leave of absence on medical certificate for twelve months and twelve days, under Section XIII of the Civil Service Absentee Rules.

The following arrangements are made in consequence:—

Captain R. A. Cole, Cantonment Magistrate of Bangalore, to be Superintendent of Coorg.

Captain C. J. Pearse, 1st Class Assistant Superintendent, to be Cantonment Magistrate of Bangalore, but to officiate for the present as Deputy Superintendent of the Mysore District, during the absence on sick leave of Major T. M. McHutchin.

Major J. J. Hamilton, 2nd Class Assistant Superintendent in Mysore, to be an Assistant Superintendent of the 1st Class.

Lieutenant F. T. Gordon Cumming, 3rd Class Assistant Superintendent, to be an Assistant Superintendent of the 2nd Class in Mysore.

No. 445.

Major J. F. J. Stevenson, Deputy Commissioner, 2nd Grade, in British Burmah, is appointed to

officiate as Commissioner of Pegu during the absence on leave of Major R. D. Ardagh.

No. 447.

Mr. H. C. Fowler is appointed to officiate as Extra Assistant Commissioner at Hyderabad during the absence on leave of Mr. G. A. Boswell, with effect from the 1st instant.

No. 459.

The 23rd March 1866.

Mr. W. Lane, Officiating Deputy Commissioner of Lucknow, is allowed 18 days' leave of absence, from the 1st April next, preparatory to proceeding to Europe on furlough.

No. 461.

Captain W. C. Lester, Cantonment Magistrate and Judge of the Small Cause Court at Mhow, is granted leave of absence for one month, from the date on which he may avail himself of it, to proceed to Bombay preparatory to applying for furlough to Europe on medical certificate.

Captain F. J. Elder, of the 6th Bombay Native Infantry, is appointed to officiate temporarily as Cantonment Magistrate at Mhow, and is vested with the powers of a Magistrate within the said Cantonment, while so employed, under Section 23 of Act XXV of 1861.

W. MUIR,

Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 1390.

Fort William, the 22nd March 1866.

NOTIFICATIONS.

Under the provisions of Section 2, Act XVIII of 1865, and in the exercise of the power and authority therein reserved, the Governor General of India in Council is pleased to direct that Stamp Duties shall be levied, according to the annexed scale, on Petitions of Plaint or appeal in suits instituted in Courts of Small Causes established under Section 7, Madras, No. 1 of 1866 (An Act to repeal Madras Act No. IV of 1865 and to make provision for the administration of Military Cantonments in the Presidency of Fort St. George).

SCALE.

	Paper Stamp Rs.	A.	P.
If the amount or value of the property claimed do not exceed Rs. 8	0	4	0
If it exceed Rs. 8 but do not exceed Rs. 16 - - -	0	8	0
If it exceed Rs. 16 but not Rs. 32 -	1	0	0

If it exceed Rs. 32 the same stamp as for a suit in any other Court.

No. 1429.

The 23rd March 1866.

In continuation of Notification No. 1178, dated the 8th instant, the following Statement of Cash Balances as reported up to this date in the Government Treasuries in India, at the close of the month of January last, contrasted with that of the previous years, is published for general information :—

	January 1864.	January 1865.	January 1866.
	Rs.	Rs.	Rs.
Govt. of India ...	2,59,01,473	1,39,21,037	1,95,70,647
Bengal	1,98,36,321	1,78,60,016	1,35,79,315
Burmah ...			25,59,903
N. W. Provinces	3,36,26,596	2,80,85,057	2,21,84,052
Oudh ...			47,48,301
Punjab	1,06,72,861	1,37,79,259	1,06,77,175
Bombay	2,08,81,572	2,11,02,889	2,78,05,964
Central Provinces...	34,94,386	43,35,897	39,51,524
Deccan	30,39,448	27,51,925	39,11,943
Madras	2,87,07,134	2,33,25,339	1,96,85,818
Total ...	14,61,59,791	12,51,61,419	12,86,74,642

E. H. LUSHINGTON,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 17th March 1866.

No. 274 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs :—

Major General James Travers, v. c., of Infantry.	For two years, under the new Regulations.

The 19th March 1866.

No. 275 *of* 1866.—The services of Major J. A. Steel, of the Bengal Staff Corps, are placed, temporarily, at the disposal of the Foreign Department.

No. 276 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Colonel William Martin Cafe, v. c., of Infantry.	For 20 months, under the new Regulations.
Lieutenant Colonel Daniel George Robinson, of the Royal Engineers, Director General of Telegraphs in India.	For 20 months, under the new Rules.
Lieutenant James William Abbot Michell, of the late 37th Regiment Native Infantry, Adjutant, 12th (The Khelat-i-Ghilzie) Regiment Native Infantry.	For 20 months, under the new Regulations.

No. 277 *of* 1866.—Major (Brevet Lieutenant Colonel) G. G. Anderson, of the late 15th Native Infantry, Pay Master, Lucknow Circle, is allowed leave of absence, from the 1st April next, to visit the Presidency, preparatory to applying for leave of absence, on medical certificate, to Europe.

The 21st March 1866.

No. 278 *of* 1866.—With reference to paragraph 5, of General Orders by His Excellency the Commander-in-Chief, dated Simla, the 29th May 1865, His Excellency the Governor General in Council is pleased to direct that, when an Armourer Sergeant is not available for the duties of the Convalescent Depôts at Murree, Kussowlie, Landour, and Darjeeling, an Assistant Armourer, trained in a Regimental Workshop, shall be appointed on the salary of an Armourer Private, or Re. 1-4 per diem.

The Armourer Sergeant or Assistant Armourer, as the case may be, will be responsible for the proper care of the Depôt Armourer's shop and the forge, tools, &c., belonging to it.

Tools will be replaced from the Public Stores when worn out by fair wear and tear, and duly condemned by a Committee, and the Officer Commanding the Depôt will be required to see that proper care is taken of the forge and tools.

Rangoon Oil and Squad Oil cans will be supplied on indent from the Public Stores.

No. 279 *of* 1866.—The under-mentioned Out-Pensioner of the Royal Hospital at Chelsea having been permitted to reside and draw his stipend in India, payment of pension is to be made and charged accordingly :—

	Rate of Pension per diem.
Gunner Robert Acton, late of the Horse Brigade, Royal Artillery.	6*d.* (six pence) per diem, from the 9th January 1866 to the 8th July 1867.

No. 280 *of* 1866.—Lieutenant (Brevet Captain) A. Drury, of the late 51st Madras Native Infantry, is permitted at his own request to resign his appointment of Paid Doing-duty Officer of the 4th Infantry Hyderabad Contingent, and his services are accordingly replaced at the disposal of the Government of Fort St. George.

No. 281 *of* 1866.—His Excellency the Governor General in Council is pleased to sanction the formation of a Volunteer Corps in the Province of Orissa, to be designated the "Orissa Volunteer Rifles," and to notify the following appointment to the Corps :—

To be Commandant.

Captain T. E. Ravenshaw.

No. 282 *of* 1866.—The following Extract from the "London Gazette" of the 26th January 1866, is published for general information :—

WAR OFFICE, *Pall Mall,*

26th January 1866.

Brevet.

The following promotions to take place in Her Majesty's Indian Military Forces, consequent on the death of Lieutenant General George Edwards Gowan, C. B., Royal (late Bengal) Artillery, on 19th December 1865, and of Lieutenant General Duncan Sim, Royal (late Madras) Engineers, on 20th December 1865 :—

To be Lieutenant Generals.

Major General Edward Garstin, Royal (late Bengal) Engineers, dated 20th December 1865.

Major General Adolphus Derville, Madras Infantry, dated 21st December 1865.

To be Major Generals.

Colonel, with the rank of Colonel Commandant, Henry Blois Turner, Royal (late Bombay) Engineers, dated 20th December 1865.

Colonel George Henry Swinley, Royal (late Bengal) Artillery, dated 21st December 1865.

Deputy Inspector General of Hospitals Frederick Cooper, of the Madras Establishment, having retired upon full pay, to have the honorary rank of Inspector General of Hospitals, dated 26th January 1866.

The 22nd March 1866.

No. 283 *of* 1866.—The services of Major B. H. Baugh, of the Bengal Staff Corps, are placed temporarily at the disposal of the Government of the North-Western Provinces.

No. 284 *of* 1866.—The services of Lieutenant H. L. Smith, of the Royal Artillery, a canditate for the Staff Corps, are placed at the disposal of the Home Department.

No. 285 *of* 1866.—The under-mentioned Officers have reported their return from England :—

	Date of arrival at Fort William.
Colonel W. E. Morton, of the Royal Engineers, Chief Engineer and Secretary to Government, Public Works Department, North-Western Provinces. Captain A. Combe, of the late 65th Regiment Native Infantry. Lieutenant J. Low, of the late 5th European Light Cavalry, Assistant Commissioner, Oude. Lieutenant C. L. B. Constable, of the late 17th Regiment Native Infantry.	16th March 1866.

No. 286 *of* 1866.—The following promotion and alteration of rank are made, subject to Her Majesty's approval.

Corps.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
Cadre of the late 2nd European Light Cavalry.	Lieutenant John Robert Glover Sweeny (20th Hussars) ...	Captain ...	4th Aug. 1865 ...	Captain (Brevet Major) T. T. Boileau (20th Hussars), promoted.

ALTERATION OF RANK.

Corps.	Rank and Name.	To rank from	In whose room.
Cadre of the late 2nd European Light Cavalry.	Captain John Shakespear Irvine ...	28th Dec. 1864	Captain T. W. Hogg, (Lieut. in 20th Hussars) transferred to the Staff Corps.

The 23rd March 1866.

No. 287 *of* 1866.—The under-mentioned Soldiers of Her Majesty's service are permitted to reside and draw their pay in India as out-pensioners of Chelsea Hospital, in accordance with the Royal Warrant of the 23rd July 1864, pending a reference to the Home Authorities as to the amount of their pensions:—

Private Edward Alson, of Her Majesty's 20th Hussars.
Bombardier Michael Lynch, No. 1 Battery, 25th Brigade, Royal Artillery.
Private William Brown, 21st Hussars.
Gunner John Austin, 24th Brigade, Royal Artillery.

No. 288 *of* 1866.—Magazine Sergeant James Langhorn, having passed the prescribed examination, is appointed to officiate as Sub-Conductor in the Ordnance Department to fill an existing vacancy.

No. 289 *of* 1866.—The services of Assistant Surgeon J. C. Shaw, Civil Assistant Surgeon of Jessore, are, at his own request, replaced at the disposal of His Excellency the Commander-in-Chief.

No. 290 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on urgent private affairs:—

Major John Ward, of the late 4th European Regiment.	For six months without pay.

No. 291 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Travers Dodgson Madden, of the late 64th Regiment Native Infantry, Adjutant, 5th Regiment Native Infantry.	For 18 months, under the new Regulations.

No. 292 *of* 1866.—The under-mentioned Officer has reported his departure on the date specified opposite his name:—

Lieutenant Colonel William Russell Eliot, of the Bengal Staff Corps, Deputy Commissioner, Punjab, on leave for twenty months, Government General Order No. 209 of 2nd March 1866.	"Nemesis," 11th March 1866.

No. 293 *of* 1866.—The services of Captain George Wheeler, of the Bengal Staff Corps, are placed at the disposal of the Government of the North-Western Provinces.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 78.

Fort William, the 19th March 1866.

NOTIFICATIONS.

The services of Major T. G. Glover, R. E., Superintending Engineer, 1st Class, 2nd Grade, North-Western Provinces, are placed at the disposal of the Home Department.

No. 79.

The 20th March 1866.

Lieutenant A. C. Padday, R. E., recently returned from furlough to Europe, is re-appointed to the Public Works Department as Assistant Engineer, 2nd Grade, and posted to the North-Western Provinces.

No. 80.

Mr. A. Bremner, Sub-Engineer, 2nd Grade, assumed charge of the Penang Division, Straits Settlement, on the forenoon of the 20th February 1866.

No. 81.

Mr. J. Bennett, Executive Engineer, 3rd Grade, Straits Settlement, has been transferred from the Penang to the Singapoor Division.

No. 82.

Mr. R S. Dobbs, Assistant Engineer, 1st Grade, Mysore, is allowed one month's privilege leave, with effect from the 5th April 1866, or from such date as he may avail himself of it.

No. 83.

Mr. M. Dunhill is appointed to the Public Works Department as an Accountant of the 4th Grade, on probation, and posted to Mysore.

No. 84.

The appointment of Mr. E. Lacey as an Accountant of the 4th Grade, on the Mysore Establishment, is to have retrospective effect from the 22nd November 1865.

No. 85.

The 21st March 1866.

Lieutenant H. Y. Murray, Assistant Engineer, 1st Grade, Oudh, has been appointed to officiate as Executive Engineer of the Fyzabad Division, with effect from the 8th instant, on which date he received charge from Captain Swetenham.

No. 86.

The 23rd March 1866.

Lieutenant G. G. C. Bigsby, R. E., Assistant Engineer, 1st Grade, (whose services have been placed by the Government of Bombay at the disposal of the Government of India) is posted to the Central Provinces.

No. 87.

The under-mentioned passed Students of the Thomason Civil Engineering College, have been brought on the strength of the Upper Subordinate Establishment of the Public Works Department, as Overseers of the 1st Grade, on probation, and posted to Bengal :—

Sapper R. McAllister, R. E.
" W. M. Lane, R. E.

C. H. DICKENS, *Lieut. Colonel*, R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE

Is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office will be closed on the following days, viz. :—

On Good Friday, the 30th March, and on Saturday, the 31st March, in conformity with Government Notification No. 64, of 16th April 1862.

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

BANK OF BENGAL,
CALCUTTA;
The 20th March 1866.

NOTICE.

The Bank of Bengal hereby gives notice that payment has been stopped at the Public Debt Office of the under-noted Government Securities which were lost during the Cyclone in the Steamer "Persia" on or about 5th October 1864.

No. 5879 of 1854-55, Public Works Loan per cent.		3,000
" 8604 of 1854-55 of the 4 per cent.		500
" 8605 "	"	500
" 8607 "	"	500
" 46744 of 1856-67 of the 5 per cent.		700

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

NOTICE.

All persons having claims against, or being indebted to, the estate of the late Captain B. H. Smith, late 67th Regiment Native Infantry, are requested to communicate with the undersigned within one month of this date, after which no claims will be registered.

E. THOMPSON, *Major,*
President, Committee of Adjustment.

MEERUT,
The 7th March 1866.

NOTICE.

Whereas it appears to His Excellency the Viceroy and Governor General in Council that land is required to be taken up by Government at the public expense, for a public purpose, viz., for Police Stations in the Districts of Fyzabad and Sultanpore, it is hereby notified that land as detailed below will be required :—

District.	Mouzah.	Acres.	Roods.	Poles.
Fyzabad ...	Jullalpore ...	1	2	3
	Mahrajgunj ...	1	2	3
	Ajoodhia ...	...	1	38
Sultanpore ...	Inhona Khas ...	1	...	...

This declaration is made under Section II, Act VI of 1857.

A. M. LANG, *Capt.*, R. E.,
Asst. Secy. to Chief Commr.,
Oude, D. P. W.

LUCKNOW,
The 16th March 1866.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,
Offg. Magistrate.

Just Published,

No. XIV of the Quarterly Civil List for the Lower Provinces of Bengal, shewing the names, designations, and emoluments of the Civil, Military, and Uncovenanted Servants of Government in all Departments. Price—Rupees Three (3) per copy in cash, or by a Money Order.

Stamps cannot be received.

R. C. TULLOH,
Examiner of Claims,
for Accountant General, Bengal.

CALCUTTA;
OFFICE OF ACCTT. GENL., BENGAL,
Treasury Buildings,
The 12th March 1866.

NOTICE No. 86.

The Public are informed that a Government Bullock Train Establishment on a limited scale has been organized under this Department between Peerpointy and Punkabarry at the base of the Darjeeling Hills, viâ Carragolah, Purneah, Kissengunge, and Titalyah, and another between Titalyah and Santrabarry at the foot of the Buxa Dooar, viâ Mynagooree. The train is chiefly intended for the conveyance of Commissariat and other Military stores, but as it happens that the train sometimes remains idle, it is notified that goods will be received from the non-official public for conveyance by the above train at the stations named below, and that the following rates will be charged upon such goods:—

		Rs.	A.	P.
Peerpointy or Sahibgunge to Carragolah ...	per md.	0	2	0
Carragolah to Purneah ...	„	0	8	0
Purneah to Kissengunge ...	„	0	12	0
Kissengunge to Titalyah ...	„	0	12	0
Titalyah to Punkabarry ...	„	0	8	0
Peerpointy to Punkabarry ...	per md.	2	10	0
Titalyah to Santrabarry ...	„	1	14	0
Peerpointy to Santrabarry ...	per md.	4	8	0

Delivery of goods will be made at the above stations, and passengers, when there is available space, will also be carried by the train on prepayment of the charge for three maunds. Further, as the down train from Punkabarry to Carragolah is expected to return empty, country produce will be received for despatch and charged for at the following rates:—

		Rs.	A.	P.
Punkabarry to Titalyah ...	per md.	0	8	0
Titalyah to Kissengunge	„	0	6	0
Kissengunge to Purneah	„	0	0	0
Purneah to Carragolah ...	„	0	4	0
Carragolah to Peerpointy ...	„	0	2	0
Punkabarry to Peerpointy ...	per md.	1	10	0

C. K. DOVE,
Post Master Genl. of Bengal.

CALCUTTA,
The 19th February 1866.

NOTICE.

Lost portions of Government Promissory Note No. 10305 of 26749 of 4 per cent. loan of 1854-55 for Rs. 600.

GOLAP MONEY DOSSEE.

LOST.

A second half of a Paper Currency Note No. $\frac{A}{7}$54138 for Rs. 10.

LOST.

Halves of the following Notes:—
Nos. $\frac{A}{8}$03158, $\frac{A}{19}$49968, $\frac{A}{0}$40239, $\frac{A}{7}$41744 for Rs. 10 each and $\frac{A}{24}$04289 for Rs. 50, total Rs. 90.

M. A. BRIDGNELL,
Inspr., St. James' Street Thannah.

CALCUTTA,
The 23rd March 1866.

LOST.

Five halves of Government Currency Notes Nos. $\frac{A}{11}$43127, 69578, Rs. 50 each; Nos. $\frac{A}{10}$39751, 10780, Rs. 20 each; No. $\frac{A}{7}$20598 for Rs. 10.

GOPAL CHUNDER PAUL.

CALCUTTA,
The 21st March 1866.

LOST.

The second half of Government of India Note No. 85086 for Rs. 50.

Bye-Laws for the City of Lucknow.

The following rules for the conduct of business and execution of Act XVIII of 1864 by the Municipal Committee within the City and Suburbs of Lucknow, are, with the approval of the Chief Commissioner of Oudh, published for general information, and are to be considered in force from the 1st May 1866:—

CONDUCT OF BUSINESS.

Meetings of Committee.

I. There will be one Meeting in every month, viz., on the third Thursday at 6 o'clock A. M., in Summer, and 7 o'clock A. M., in Winter.

Emergent or Special Meetings.

II. The President, or in his absence the Vice-President, or in the absence of both, the Secretary may, on any occasion arising, call for an Emergent Meeting by Circular, or separate summons upon not less than twelve hours' notice; but no business shall be transacted thereat other than that for which the Meeting may be called.

Postponement of regular Meetings.

III. Should occasion arise to postpone the regular Meeting, due notice must be given; otherwise the Bye-laws must be the guide of each Member.

Chairman in absence of the President.

IV. In the absence of the President, the Vice-President shall take the Chair, in the absence of both, the Meeting to elect their own Chairman.

Number of Members to form a quorum.

V. Seven Members shall constitute a quorum.

Chairman to have a casting vote.

VI. The Chairman shall, in case of an equal division, have a second or casting vote.

Regulation of business.

VII. The President shall regulate the course of all business to be brought forward and preserve order. No discussion on any points of order shall be allowed, unless the President shall think fit to take the opinion of the Members present.

Submission of point of order to President.

VIII. Any Member present may submit a point of order to the President.

Mode of proposing or discussing any estion.

IX. In proposing or discussing any question, each Member shall speak from his place, always addressing the President.

Members not to speak twice upon any motion.

X. No Members shall speak twice upon any motion or amendment, except the mover in reply.

Votes how to be taken.

XI. Votes shall be taken by a show of hands, if the mover of any question demands a poll.

Proposition or amendment to be in writing.

XII. Every proposal or amendment shall be in writing, but unless required by the President, the proposal or amendment need not be seconded.

Questions from Members how to be put.

XIII. All questions from one Member to another relating to the business of the Meeting shall be put through the President.

Meetings of Committee open to public.

XIV. The Meetings of the Municipal Committee are, as a rule, open to public, but strangers can be requested to withdraw if necessary.

Communications to be sent in a day previous to Meeting.

XV. All communications intended for the Monthly Meeting must reach the Secretary not later than noon of the day previous to any Meeting.

Correspondence to be referred to Sub-Committee concerned.

XVI. All correspondence to be referred by the Secretary to the Sub-Committee to which it belongs immediately on receipt, and their report to be made at next general Meeting through the Secretary.

Division of duties.

XVII. The division of duties shall be as follows, and Members of the Sub-Committees shall be named on the 1st May of each year, and a list containing the names of each Sub-Committee will be hung up in the Committee Office :—

1*st*.—Correspondence and Accounts.

2*nd*.—Sites, Buildings, Repairs.

3*rd*.—Drainage Conservancy, Police, and Roads.

4*th*.—Estimates.

Annual Budget.

XVIII. The Sub-Committees will regulate and look after all works provided for in the Annual Budget.

Emergent works.

XIX. In all cases of exigency, the Sub-Committee shall have authority to act without immediate reference to the General Committee, if the cost does not exceed Rs. 500, provided the work is one of urgent necessity; and the Secretary, if the exgency be great, may act alone to the extent of Rs. 100, but in other cases, an Emergent Meeting at twelve hours' notice should be summoned.

Absolute sale of land.

XX. Any person desirous of purchasing, or renting ground belonging to the Committee, for building, or other purposes, shall submit a written application with plans to the Secretary, describing the locality and extent of the ground required; such application will be made over to the Sub-Committee concerned for report. In case of sale, the ground shall be measured and marked off by the Municipal Engineer, an upset price fixed, and the lot be put up to public auction, after being advertised in the local public newspapers for 15 days; such sales will be held at the Office of the Secretary, who will furnish a printed copy of the general terms of sale.

Tenants of land.

XXI. In cases of applications for land on lease, the Committee shall be at liberty to determine the maximum rent, and to select their tenant.

Rejection of application.

XXII. The Committee may reject any application for grounds, on rent or sale, without assigning reasons to the applicant, or may impose as one of the conditions, that buildings, outbuildings, and surrounding walls or enclosures, shall be of a certain character or value, and be constructed within such time as may be fixed at the time of sale or lease, subject in case of failure, to resumption of the ground or to such other penalties as may be determined on in the written agreement which shall be invariably taken. The Municipal Engineer will maintain the requisite supervision and report any breach of the conditions of the agreement, and he will further mark off all lands so leased.

Names of streets.

XXIII. The names of streets shall all be gradually put up, and any person found guilty of destroying or defacing such Indicators, shall be subject to fine.

Sub-letting of a house without permission interdicted.

XXIV. No tenant of a house holding a permanent or temporary lease from the Committee shall be allowed to sub-let without permission of the Committee first obtained.

Members of Committee not to take contracts.

XXV. No Member of the Municipal Committee shall be allowed to take any contract, or have any pecuniary interest in any contract, granted by the Committee or their Municipal Engineer.

Municipal Engineer.

XXVI. The Municipal Engineer will be the Referree of the Committee in all engineering questions, large and small, and be guided in the performance

of his duties by such rules as may be framed by the Committee.

CHAPTER I.—NUISANCES.

Act XLV of 1860, Penal Code. Act XXV of 1861, Criminal Procedure Code. Act V of 1861, Police Act.

XXVII. In addition to the nuisances provided for by the Acts quoted in the margin, the following are now defined as local nuisances within the city of Lucknow, and prohibited under the authority vested in the Municipal Committee under Section 15, Act XVIII of 1864, and subject to the penalty declared therein.

Excavation or cut-trees, &c.

XXVIII. Quarrying Kunkur and digging for bricks without permission, or cutting down trees or grass on public ground.

Neglected buildings or land.

XXIX. Leaving lands or buildings so neglected as to afford shelter to thieves or disorderly persons, or otherwise becoming a nuisance.

Erecting walls, sheds, &c.

XXX. Erecting any temporary or permanent building, wall, shed, awning, chabutra or enclosure without license.

High crops.

XXXI. Growing high crops where prohibited in such place where they are likely to be prejudicial to the public health, or to affect the public safety by affording cover or shelter to thieves and other bad characters.

Picketting cattle or forming encampments.

XXXII. Picketting animals, or collecting carts, or forming encampments on any public ground without permission.

Flying kites.

XXXIII. Flying paper kites, or engaging in any other games in such manner as to be a nuisance, or likely to endanger passengers on the public roads.

Filth deposits.

XXXIV. Collecting or depositing night soil and other filth in any place not specially set apart for that purpose.

Committee as Board of Health.

XXXV. Disobeying any order of the Committee acting as a Board of Health, for the removal of vegetation and underwood calculated to obstruct ventilation or neglecting to keep in repair, and properly clean any enclosure or premises.

Neglecting premises or latrines.

XXXVI. Neglecting in any estate, compound, enclosure or premises, to keep in proper repair and properly clean any privy or latrine.

Drains and cesspools.

XXXVII. Constructing drains or cesspools, or neglecting the same in such a manner as to affect the health of the public.

Using latrines.

XXXVIII. Using any place for purposes of nature except the public latrines.

Begging.

XXXIX. Begging in the bazaars or other public streets or thoroughfares, or otherwise causing annoyance to passers by.

Camels, Elephants or loaded Carts.

XL. Using driving roads, during driving hours, by Camels and Elephants or loaded Carts, and using any portion of the road excepting the sides at other times.

Light to Carriages.

XLI. Driving Carriages, Buggies, Dog-Carts or other conveyances after dusk without clear Lights on both sides of the same.

Driving on proper side of road.

XLII. Driving otherwise than on the left-hand side of the road, or passing any other conveyances otherwise than by leaving them to the right hand.

Stray Cattle.

XLIII. Letting loose or allowing to stray or graze, any cattle whatsoever in any public place without permission.

Combustibles.

XLIV. Storing more than five maunds of Saltpetre, or one maund of Gunpowder, or five maunds of Fireworks.

Hay and Bamboos.

XLV. Establishing depôts for Hay and Bamboos within city limits, excepting at the following places and under conditions specified, i. e.—

Large depôts at Aysh Bagh, Secunder Bagh, and Ghow-Ghat.

Smaller depôts in each Thanna division on sites to be selected for the same by the Secretary and Native Members.

The quantity to be stored at each to be determined by the Superintendent, City Police.

Processions.

XLVI. Forming up or moving of processions at night on any public road without a written order from the City Superintendent.

Native Musicians.

XLVII. Failures on the part of Native Musicians in processions, whether by night or by day, to cease playing at the approach of any carriage or other conveyance to which horses may be harnessed.

Burying grounds.

XLVIII. Burying in any ground once publicly declared by the Committee as closed, or using an unlicensed cemetery.

Throwing bodies into river, &c.

XLIX. Disposing of any corpse in the River Gomti within the city limits, or in the Canal or in any Ravine or Nulla leading to the river.

Carcasses of animals.

L. Neglecting the removal within a reasonable time to the place set apart for such burial of the carcass of any animal which may die on the owners or occupiers' premises.

Destroying trees, &c.

LI. Destroying Trees or plucking Fruits or Flowers in Public Gardens or Roads.

LII. Making a public thoroughfare of public grounds not intended for such purpose.

Public thoroughfares.

LIII. Fishing with nets in the Gomti except by permission within the limits of the city.

Fishing with nets in the Gomti.

LOST.

A Government Promissory Note No. 14567, dated 31st March 1836, of 4 per cent. loan, for Co.'s Rs. 500.

RAMESSUR ROY CHOWDRY.

Allahabad.

NOTICE.

The following Currency Notes of the Lahore Circle having been lost, it is hereby notified that payment of the same has been stopped :—

Of Rupees 10 each.		Of Rupees 20 each.
A18—41,702	A18—41,742	A26—23,557
A18—41,704	A18—41,745	A26—23,559
A18—41,708	A18—41,746	A26—23,574
A18—41,709	A18—41,747	A26—23,577
A18—41,712	A18—41,750	A26—23,603
A18—41,713	A18—41,751	A26—23,694
A18—41,714	A18—41,754	A26—23,698
A18—41,715	A18—41,755	A26—23,699
A18—41,716	A18—41,756	A26—23,700
A18—41,717	A18—41,757	A26—23,801
A18—41,718	A18—41,759	A26—23,804
A18—41,719	A18—41,761	A26—23,805
A18—41,720	A18—41,762	A26—23,807
A18—41,721	A18—41,763	A26—23,808
A18—41,722	A18—41,764	A26—23,809
A18—41,723	A18—41,765	A26—23,812
A18—41,725	A18—41,766	A26—23,813
A18—41,726	A18—41,767	A26—23,814
A18—41,728	A18—41,771	
A18—41,731	A18—41,772	
A18—41,732	A18—41,773	
A18—41,735	A18—41,777	
A18—41,736	A18—41,778	
A18—41,739	A18—41,779	
A18—41,740	A18—41,780	
A18—41,741	A18—41,781	

L. C. PROBYN,

Accountant General, Punjab.

LAHORE,
The 7th March 1866.

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Ditto ditto for 1864 ...	3	0
Report of Nizamut Adawlut, N. W. P., for 1863	2	0
Ditto ditto for 1864 ...	2	0
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Ditto ditto for 1864 ...	3	0
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No. 12.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, MARCH 24, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 16th March 1866.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.
His Excellency the Commander-in-Chief.
The Hon'ble H. Sumner Maine.
The Hon'ble W. Grey.
The Hon'ble G. Noble Taylor.
The Hon'ble Colonel H. M. Durand, C. B.
The Hon'ble Rájá Sáhib Dyál Bahádur.
The Hon'ble W. Muir.
The Hon'ble D. Cowie.

OUDE LIMITATION BILL

The Hon'ble MR. MUIR presented the Report of the Select Committee on the Bill to exempt certain suits in Oudh from the operation of the Rules of Limitation in force in that Province. He said that one or two slight alterations had been made in the Bill, a revised copy of which would be sent round. He would therefore postpone until next Friday his Motion that the Bill be passed.

INDIAN MARRIAGE ACT EXTENSION (HYDERABAD) BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts, said that it was necessary perhaps to explain shortly to the Council in what sense it was intended to extend that Act to the Hyderabad Districts. Those Districts were not part of the Territories for which the Council had full power to legislate. They were administered by the Governor-General in Council in the name of the Nizam, and the legislative was mixed and combined with executive power. There were obvious reasons, however, why a Native State should not legislate even nominally for Christians in the matter of marriages, and therefore, by virtue of an Act of Parliament passed last Session, it was proposed to extend to Christian British subjects resident within the Assigned Districts the provisions of the Indian Marriage Act.

As regarded Native Christians who were subjects of the Nizam, the Governor-General in Council, as representing the Nizam, had already provided by issuing an executive order applying Part V of the Act.

There was a third class which, if it existed at all, was not sufficiently extensive to require special provisions. He referred to Christians resident in the Assigned Districts, who were neither subjects of Her Majesty nor of the Nizam; as regarded those persons, Mr. Maine thought it would be better to leave their marriages to be dealt with according to the law of their domicile of origin.

The Bill was only a few lines long. It simply provided that "from and after the passing of this Act, the Indian Marriage Act, 1865, shall, so far only as regards Christian British subjects of Her Majesty, extend to the Hyderabad Assigned Districts."

The Motion was put and agreed to.

JUDGES' COMMISSIONS BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to relieve the Governor-General of India in Council from the duty of signing the Commissions mentioned in Sections 22 and 44 of the High Courts' Criminal Procedure Amendment Act, 1865.

PARTNERSHIP LAW AMENDMENT BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to amend the Law of Partnership in India.

POST OFFICE BILL.

The Hon'ble MR. GREY presented the Report of the Select Committee on the Bill for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office.

PUBLIC MUSEUM (CALCUTTA) BILL.

The Hon'ble MR. MAINE presented the Report of the Select Committee on the Bill to provide for the establishment of a Public Museum at Calcutta.

The Council adjourned till the 23rd March.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

CALCUTTA,
The 16th March 1866.

HOME DEPARTMENT.

Proposed introduction of stamped Forms for Telegraph Messages, the stamps representing the amounts payable for the transmission of the Messages.

From A. M. MONTEATH, ESQ., Under Secy. to the Govt. of India, to LIEUT. COLONEL D. G. ROBINSON, R. E., Director General of Telegraphs in India,—(No. 405, dated the 12th January 1866.)

In your letter No. 1036 of the 5th August last, relative to the introduction of a revised Tariff for Telegraph messages, you made the following remark, viz. :—

"If Telegraph Stamps were used, the convenience to the mercantile community, and to those who send their messages by Post, would be considerable, whilst it would also simplify and check the Telegraph cash collections and receipts. I, therefore, strongly advocate their introduction as early as practicable; but I will not venture into the details of their issue, as that appertains more fitly to the Financial Department." You added, in a foot note, that "Stamps for four Rupees, and one Rupee, and four annas, do exist."

2. In this Office reply of the 2nd October 1865, No. 2450, the following remark was made on the above-mentioned subject, viz. :—

"As regards the pre-payment of Telegraph messages by Stamps instead of by cash, I am directed to observe that that is a separate question not necessarily connected with the revision of the Tariff; and that, in the opinion of the Governor General in Council, it will be more convenient to deal with it separately. A further communication on the subject will be addressed to you hereafter."

3. I am now directed to request that any proposition you may have to make on the subject of Telegraph Stamps should be accompanied by an indication of the extent to which Stamps are at present used (if they are used at all), and that you will explain fully and precisely the mode in which you would propose to extend the system.

4. Subjoined is a List of previous correspondence on the subject of Telegraph Stamps, which may be of use to you.

From LIEUT. COLONEL D. G. ROBINSON, R. E., Director General of Telegraphs in India, to A. M. MONTEATH, ESQ. Under Secy. to the Govt. of India,—(No. 2931, dated the 23rd February 1866.)

Since submitting my letter No. 1036 of the 5th of August last, I have devoted much further attention to the subject of using Stamps for Telegraph messages in lieu of payments, and the more I consider the subject, the more feasible and the more desirable does this step appear to be.

2. As requested in paragraph 3 of your letter No. 405 of the 12th instant, in reply to mine quoted above, I have enquired into the extent to which adhesive Telegraph Stamps are at present used, have been used, and are available for issue, and I have carefully perused the voluminous correspondence referred to in that letter.

3. From these investigations I learn that the following supply of adhesive Telegraph Stamps were received into the Stamp Office at Calcutta and a portion of these Stamps were sent to Madras, and Bombay in—

				Rs.
563 Sheets or	45,040 labels of	4 annas	..	11,260
639 „	51,120 „	1 Rupee	...	51,120
128 „	10,240 „	4 „	...	40,960
		Total	...	1,03,340

Of these, Stamps of the value below are still in store at the Stamp Office at Calcutta, viz. :—

Number of four annas Stamps.	Number of one Rupee Stamps.	Number of four Rupees Stamps.	Total value in Rupees.
9,064	16,342	2,617	27,403

The quantity still lodged in Treasuries and other Offices I have not been able to ascertain, nor is it of much importance to do so, for it is obvious that this existing supply, of value less than one lakh of Rupees, will not nearly fulfil the requirements of all India.

4. The extent to which they have been used may be stated as practicably *nil*; in fact, in the correspondence above alluded to, they have been declared a complete failure; but this I cannot endorse, for I am convinced that this failure is entirely due to the restrictions placed upon their use, that if they had been introduced and their use sanctioned on the same broad system on which Postage Stamps are employed, they would have answered even better than these latter.

5. Their failure is, in my opinion, clearly due to the following causes:—

1*stly*.—Their use was restricted to places where there was no Telegraph Office, and hence whilse common Postage Stamps have been accepted as payment for messages, Telegraph Stamps have actually been refused when tendered over the counter at a Telegraph Office on the ground that they were only sanctioned for messages sent under cover by Post.

2*ndly*.—Their application being limited as above shown, and but faint efforts apparently made to inform the public that Telegraph Stamps could

be obtained, their actual existence was almost unknown, so much so that I have not yet discovered one person, not officially connected with them, who had ever heard of Telegraph Stamps.

6. I propose, instead of limiting their application, to make their use *compulsory on all messages.* I am told that there are difficulties in starting such an extreme measure; but I think that these difficulties are, as regards Telegraph messages, chimerical; they must be absolutely smaller than those which apply to ordinary Postage Stamps, because *all* Telegraph messages *must be prepaid.*

7. I recommend the use of ordinary adhesive Stamps, like those now in existence, a specimen of which (four annas) I annex, and stamped paper. The adhesive Telegraph Stamps should be of various pecuniary denominations. To suit the Indo-European messages, they should run as high as Rs. 100, 50, and 25, and for India be for Rs. 10, 5, 4, 2, 1, 8 annas, and 4 annas. The present Telegraph Stamp is of a neat device, and of a remarkably convenient size and shape, no change then need be made in its form.

8. The machinery for the preparation of the Stamped Message Forms already exists in the Calcutta Stamp Office; there is, therefore, no apparent reason why their manufacture should not be at once commenced. I propose to use precisely the same machinery and Stamp, merely varying the colors, that is to say, instead of using black and red, the colors of the ordinary bicolor Judicial Stamp, I would use purple and yellow, or green and red, or any other combination of two colors, except black and red, so as to produce a Stamp obviously different from the judicial. These Stamped Forms I propose to prepare like that annexed; it will be observed that the receipt to be given is above and the message below the Stamp.

9. On receiving a message for transmission, the Telegraph Master would examine the message, and if the Stamping was correct, he would first fill up the receipt, next obliterate the Stamps with the Office name and date, and then tear off the receipt, which he would hand to the sender. The sender would know that the Stamps were obliterated, because he would actually receive back half, and the Check Office would know that the message was stamped, because it would come to the Check Office duly stamped. Here in itself is a perfect check. In the event of the message being insufficiently stamped, the Telagraph Master would supply the deficiency, and then treat all the Stamps in precisely the same manner as before, *i. e.*, obliterate the Stamps, keep half and return half the obliterated Stamps.

10. The public, who used only adhesive Stamps, would be instructed where to put their Stamps, and be informed that they were entitled to receive back half their Stamps after obliteration if placed on the proper part of the message.

11. On the messages being received into the Check Office, the Stamps would be punched, which would be a further security against their ever again coming into use.

12. As no other payments are now permitted in the Telegraph Department, and all cash is actually handed over the counter, there can be no difficulty in stamping messages, always provided the Stamps are forthcoming at a moment's notice. It is, therefore, very necessary that a supply very far exceeding the ordinary monthly demand should always be kept with each Telegraph Master; that there should also be a large reserve in the Civil Treasuries; besides which other Stamp Vendors might, perhaps, be encouraged to keep a supply on sale.

13. Stamps should be advanced to Tehsildars and Telegraph Masters and licensed Stamp Vendors. I do not propose to give any special remuneration for the performance of this duty, though it might be wise to give it to Stamp Vendors, whose money given in lieu of Stamps would yield to the Government 5 per cent. per annum.

14. The annual Telegraph Revenue for all India will, I trust, by the end of 1866, be not far short of 16 lakhs of Rupees. This sum would represent the value of Stamps to be issued annually in addition to the reserve, which, I think, should not be less than 25 lakhs. It would probably be safe to make the first issue 40,00,000, and to reinforce the supply every three months with 4,00,000 more. This is a very large number of Stamps, and will, I presume, take some time to prepare, notwithstanding that Messrs. De LaRue have the apparatus and some dies on hand. Meanwhile there is no reason why the Stamped paper should not be introduced at once. Mercantile Firms would gladly take it, and all Public Offices should be obliged to use it, thereby preventing their opening an account current, as now sometimes happens. This would do something towards making its existence known, and towards preparing the way for the compulsory use of Stamps as soon as a full supply was ready.

15. I do not think that there would be any great increase of revenue from the introduction of this class of Stamps, because their intrinsic value would be so great that more care would be taken of them than is bestowed on Postage Stamps of small denomination; and what little increase might thus accrue would be covered by the percentage granted to Stamp Vendors; but there would be many other benefits conferred, amongst which may be the assurance given to the public that their stamped messages were not suppressed for the sake of appropriating the money paid for them; the risk of sending money with their messages, (very considerable in the case of Indo-European messages,) would be avoided; there would be no cash collections to pay into Treasuries, and consequently no cash receipts; and we should probably hear no more of robberies of the cash collections, the amount of which in the year is considerable; and lastly, the convenience of sending messages ready stamped through the Post Offices, protected or not, according to pleasure, by registration, the obliterated stamped receipts in this case being returned bearing to the senders.

16. If the above suggestions are approved of, I would suggest an indent be made out on England for—

10,000	Stamps of the value of	50	Rs.	5,00,000
12,000	,,	25	,,	3,00,000
50,000	,,	10	,,	5,00,000
1,00,000	,,	5	,,	5,00,000
2,50,000	,,	4	,,	10,00,000
10,00,000	,,	1	,,	10,00,000
20,00,000	,,	8	ans.	10,00,000
8,00,000	,,	4	,,	2,00,000
				50,00,000

to be forwarded as soon as practicable; the Stamps to be of a device for which I can settle in London, but perforated, as shown in the specimen annexed.

17. I have entered into communication with the Director General of Post Offices to ascertain how far his Department will be prepared to assist in furnishing the public with these Stamps.

18. It requires no argument to prove that the introduction of the above would be of very great convenience to the public generally, and at the same time productive of considerable indirect value to the Government, because the saving in clerical labor would be considerable, and the amount of money collections now lying idle in the different Offices would be thrown into circulation.

P. S.—Since the above was written, I have met with the following passages from Presscott:

"Among the more recent improvements in the transaction of Telegraphic business, which have been made in England, the following may be mentioned:—

"Franked message papers, prepaid, are now issued procurable at any Stationer's. These, with the message filled in, can be despatched to the Office when and how the sender likes: and the Company intend very quickly to sell Electric Stamps, similar to our Postage Stamps, which may be stuck on to any piece of paper, and frank its contents without any further trouble."

Note by the Under Secretary.

1. Colonel Robinson's letter of 23rd February contains a proposal for the introduction of Telegraph Stamps for the prepayment of messages in substitution of cash payments.

2. I take the liberty of sketching below the measures which I venture to think might be taken in that direction.

3. I would not as yet make the indent on England proposed in Colonel Robinson's 16th paragraph. It involves the manufacture of five new dies and the preparation of a very large quantity of adhesive labels, the adaptation of which to the requirements of the country must, of course, be regarded as, more or less, questionable. Nor do I think it expedient or necessary, for the present at least, to make the use of Telegraph Stamps by the public compulsory.

4. I would confine the measure for the present to the introduction of stamped message forms (like that proposed by Colonel Robinson*) which he has shown can easily be prepared in India with the existing Stamp Office Dies; the use of such stamped forms by the public being encouraged as much as possible, but not as yet made compulsory.

* I have suggested a few modifications of the form in a note on the face of it.

5. To all unstamped messages tendered with cash for despatch, I would make the Telegraph Masters attach† a stamped form of proper value, dealing with them in other respects exactly in the same way as with the messages written originally on stamped forms, i. e., obliterating the Stamp and writing the receipt on the upper half, to be torn off and given to the bearer of the message.

† Either by a rivet or by thread or otherwise, as might be most convenient.

6. Every message would thus be stamped either by the sender writing it on a stamped form, or by the Telegraph Master attaching a stamped form to the original unstamped message, and in every case the bearer of the message would get as a receipt the upper half of the stamped form, containing the obliterated half of the Stamp borne by it.

7. The cash transactions of the Telegraph Masters would be solely in their capacity of ex-officio Stamp Vendors. I would allow to each a fixed permanent advance of Stamps according to the calculated requirements of his Office, and require him to invest the proceeds in maintaining that supply; weekly reports being, if necessary, required as to the stock in hand, so as to check any tendency to allow the stock to fall below the standard, in view to an intermediate use of the money for private purposes.

A Superintendent inspecting a Telegraph Office could at once check any such practice by an examination of the stock in hand as compared with the known fixed advance.

8. If it be necessary to supplement the stamped massage forms by extra adhesive Stamps (i. e., if it be inconvenient to supply stamped forms for every possible value), this can readily be done by using the existing adhesive labels.‡ It will probably be necessary to get an additional supply of these labels from England, but this will involve but little delay, for the dies are all in existence.

‡ Value—Four Rupees, one Rupee, and four annas.

9. I believe that the measures above sketched afford the means of at once getting rid of the Cash Accounts of Telegraph Offices, and of the abuses which the cash payment system is supposed by some to render possible, as well as of the trouble which that system is admitted by all to entail not only on Telegraph Masters, but on the Audit and Check Offices. The Central Check Office, for instance, instead of having, as at present, to make out from the messages sent to it an account of the collections of each Telegraph Office for comparison with the Treasury credits, would merely have to see that each message was either written on a duly stamped form, or had such a form attached to it.

10. I would allow no discount on the purchase of Stamps by Telegraph Masters. They would be purchased with the proceeds of the sale of Stamps advanced by Government, and the trouble of looking after their stock of Stamps would be part of their ordinary duty, for which they are paid. Nor would I allow discount on Stamps purchased from the Stamp Office or Public Treasuries by private individuals, for though such a discount might encourage the use of Stamps by the public, it would open the door to fraud, as individuals might purchase at a discount for retail to Telegraph Masters at a smaller discount.

11. In introducing the scheme to the extent suggested by me, there will be no violent compulsory change so far as the public are concerned; and it can hereafter be extended or modified as experience may show to be necessary.

12. It will, probably, be convenient hereafter to get some additional adhesive labels of intermediate values, but I would not do this till experience shows it to be desirable.

It may also be desirable hereafter to have Stamps marked with the word "Service" (as is about to be done with Postage Stamps) for issue on indent to Public Offices, so as to avoid cash transactions: but this also I would leave for future consideration.

13. The main objects at present are to get rid of the cash Accounts of Telegraph Offices, the,

check on which is cumbrous if not also defective, and to afford to the sender of a message some additional security that the payment made by him has been appropriated for the purpose for which it was made. These objects would be fully attained by my proposal.

14. It may be noted here that the power of stamping a message would probably be used to a considerable extent in the following way. A person wants to send a message from (say) Calcutta to Kurrachee, but does not care to have it arrive there under say three or four days. He could in such a case save half the cost by posting it duly stamped to the Agra Telegraph Office, where it would arrive in two days and a half and be despatched thence by Telegraph to Kurrachee. The Department might to some extent lose by this practice, but the loss would, probably, be more than balanced by messages being so sent which would not otherwise be sent at all owing to the high charge.

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15. I have not specially alluded in the above remarks to the case of messages sent by Post from places having no Telegraph Offices. They would of course, be just as well off without any special regulations, as they are at present.

16. Special provision might, however, be made for them by issuing a supply of Stamps to Post Masters or other Local Offices : but in my opinion no system of Stamps will be found to be applicable to such places.

17. Most of them are places from which but few messages will ever be sent, and yet the stock of Stamps would require always to be large to provide for all possible demands.

18. The best way, in my opinion, would be to say that, in respect of all places where there are no Telegraph Offices, the receipt of the Post Master of the place for the amount chargeable, written on the top of the sheet of paper containing the message,* would be accepted by the Telegraph Office as due payment. The Post Master might give a "*duplicate*" receipt to be retained by the person sending the messages, and might be required to stamp both of them with his ordinary Office Stamp.

* Which should be sent by the writer of the message in a registered cover addressed to the Telegraph Office whence he desired it to be despatched.

19. The Telegraph Department would claim from the Post Office credit for such payments on an examination, in the Central Check Office, of the messages so paid for : and the Account Branch of the Post Office would, if necessary, test the claim by referring to its own Cash Accounts.

20. I do not say that this system would be in every respect perfect; but I believe it to be the best that can be devised.

21. I would provide each Post Master at such places with the Tariff Rules and Tables of the Telegraph Department and with a Telegraph Map, and instruct them to give all help in their power to those wishing to know the proper charge for a message.

22. Any one wanting to send a message from (say) Mynpoorie could consult, if necessary, the Tariff Table in the Post Office, pay the amount to the Post Master, get his receipt on the top of the sheet containing the message (or on a blank sheet to be filled up with the message) and a duplicate receipt for himself, enclose the message in a cover addressed to the Telegraph Master at Agra, and send it in ordinary course to the Post Office for registry and despatch.

23. The whole business would be transacted at the Post Office : and this would be a great convenience. Under the system attempted to be introduced in 1859, any one wishing to despatch such a message had to buy the Stamps at the Local Treasury, write his message on one or two separate sheets (if a single Stamp did not express the value), and then post his letter at the Post Office, and for this cumbrous system the Government had to maintain a supply of Stamps large enough for all possible requirements, to keep accounts of their sale, and to credit the amount to the Telegraph Department.

24. I submit that the above suggestion, which does not much differ from the original proposal made by the Superintendent of Telegraphs in 1854, and sanctioned by Government (though never actually tried), is more simple and more likely to attain the object in view, i. e., the provision of facilities for the despatch of Telegraph messages by post to a Telegraph Office from places having no Telegraph Office.

A. M. MONTEATH.

The 7th March 1866.

P. S.—I have shown this Note to Colonel Robinson, who authorizes me to say that he agrees in the suggestions made. I have also shown the concluding paragraphs (15 to end) to Mr. Riddell, who says that there will be no objection on the part of the Post Office to the introduction of the system contemplated therein.

A. M. M.

The 8th March 1866.

No. 2612.

Extract from the Proceedings of the Right Hon'ble the Governor General of India in Council, in the Home Department, under date the 19th March 1866.

Read again the under-mentioned correspondence on the subject of the pre-payment, by Cash or Stamps, of Telegraph messages originating in places where there are no Telegraph Offices; also relative to the general substitution of Telegraph Stamps for Cash Payments in respect of all messages wherever originating, viz. :—

* * * * *
* * * * *

Read again letter No. 405, dated the 12th of January last, to the Director General of Telegraphs, requesting, with reference to a previous letter, that any proposition he may have to make on the subject of Telegraph Stamps should be accompanied by an indication of the extent to which Stamps are at present used, (if they are used at all,) and that he would explain fully and precisely the mode in which he would propose to extend the system.

Read the reply of the Director General of Telegraphs, No. 2931, dated the 23rd of February.

Read a Note by the Under Secretary in this Department on the above letter.

RESOLUTION.—The arrangements sketched in the 'Note' above referred to have met with the approval of the Director General of Telegraphs; and the Director General of the Post Office has stated that there is no objection to that portion of the scheme, (paragraphs 15 to end of Note,) which contemplates a co-peration on the part of the Postal Authorities in affording facilities for the despatch by Post to a Telegraph Office of pre-paid messages originating in places not having Telegraph Offices.

2. The Governor General in Council is of opinion that the proposed arrangements may, unobjectionably, be tried; and authorizes the Director General of Telegraphs to take the necessary steps for carrying them out experimentally.

Government of Fort St. George.

Cinchona Operations in the Neilgherries.

Report on the Number and Condition of Cinchona Plants on the Neilgherries on the 31st January 1866.

Species.	Botanical Names.	Commercial Names.	No. of Plants.	Value per lb. of Dry Bark in the London Market.	Remarks.
				s. d. s. d.	
1	C. Succirubra ...	Red Bark	2,88,477	2 6 to 8 9	The number of plants planted out in the plantations remain the same as in last month, namely, 2,44,871. The increase by propagation is 42,894, being 11,082 under the average of the last six months, making the total number of plants 9,84,143.
2	C. Calisaya ... Var Frutex ... „ Vera ...	Yellow Bark	3,156	2 10 to 7 0	
3	C. Officinalis Var Condamenia (C. Uritusinga)	Original Loxa Bark	8,269	2 10 to 7 0	
4	Ditto Var Bonplandiana (C. Chahuarguera)	Select Crown Bark	6,49,552	2 10 to 7 0	
5	C. Crespilla ...	Fine Crown Bark ...	4,380	2 10 to 6 0	
6	C. Lancifolia ...	Pitayo Bark ...	159	1 8 to 2 10	
7	C. Nitida ...	Genuine Grey Bark	2,786	1 8 to 2 9	
8	C. Species without name ...	Fine Grey Bark ...	8,500	1 8 to 2 10	
9	C. Micrantha ...	Grey Bark ...	15,050	1 8 to 2 9	
10	C. Peruviana ...	Finest Grey Bark ..	3,389	1 8 to 2 10	
11	C. Pahudiana ...	Unknown ...	425	Unknown.	
		Total number of Plants...	9,84,143		

TABLE II.

Memorandum of the growth of eleven Plants of C. Succirubra, planted on the 2nd Denison Plantation at Neddivuttum on the 30th August 1862.

No. of Plants.	Height in inches when planted on the 30th August 1862.	Height in inches on the 31st Dec. 1865.	Height in inches on the 31st Jan. 1866.	Growth in inches during Jan. 1866.	By whom planted.
1	23	131	131¾	¾	His Excellency Sir W. Denison.
2	16½	117¼	118½	1¼	
3	19	119	121	2	
4	15	110½	110½	...	
5	27	134¼	135½	1¼	
6	20	107½	108	½	
7	20	122	123¼	1¼	J. W. Breeks, Esq.
8	18	124½	124¾	¼	Dr. Sanderson.
9	20	129½	129¾	¼	J. D. Sim, Esq.
10	20	130½	131	½	Lieutenant McLeod.
11	18	112½	113½	1	P. Grant, Esq.
12	...	82	82½	½	Plant cut down for bark.

Table II exhibits the growth of eleven plants of C. Succirubra planted out by His Excellency the Governor and other gentlemen at Neddivuttum on the 30th August 1862. The average growth of these plants during the month is $\frac{8}{11}$th of an inch, or $\frac{8}{11}$ of an inch under the growth of last month.

One of the two plants cut down on the 20th of March 1863 for the bark submitted to Mr. Howard for analysis has made strong shoots of 82½ inches in height, giving the growth of half an inch during the month.

TABLE III.

Showing the height of twelve plants of C. Officinalis, planted on the Dodabetta Plantation at Ootacamund on the 30th September 1863.

No. of Plants.	Height in inches when planted on the 30th Sept. 1863.	Height in inches on the 31st Dec. 1865.	Height in inches on the 31st Jan. 1866.	Growth in inches during Jan. 1866.
1	19	106½	109	2½
2	14½	95	97½	2½
3	28	107	110	3
4	22	103½	106½	3
5	21½	107	110½	3½
6	28	119½	121½	2
7	22½	101	103½	2½
8	21½	100½	103	2½
9	21½	113	116	3
10	19½	104½	107½	3
11	24	109½	112	2½
12	24	108	111½	3½

The twelve plants of C. Officinalis (a shrubby species) on the Dodabetta plantation gives an average growth of 2¾ inches, or quarter of an inch under that of last month.

The number of plants issued to the public during the month is 8, making the total distributed 83,684.

OOTACAMUND,
19th February 1866.

W. G. McIVOR,
Supdt., Govt. Cinchona Plantations.

Printed and Published for the Government of India, by O. T. CUTTER, *at the Military Orphan Press.*

No. 13.

The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, MARCH 31, 1866.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 12th March 1866, and is hereby promulgated for general information :—

THE INDIAN COMPANIES' ACT, 1866.

ARRANGEMENT OF SECTIONS.

PRELIMINARY.

Section.

1. Short title.
2. Commencement of Act.
3. Interpretation Clause.
4. Prohibition of partnerships exceeding certain number.
5. Division of Act.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

6. Mode of forming Company.
7. Mode of limiting liability of Members.
8. Memorandum of association of a Company limited by shares.
9. Memorandum of association of a Company limited by guarantee.
10. Memorandum of association of an unlimited Company.
11. Stamp, signature and effect of memorandum of association.
12. Power of certain Companies to alter memorandum of association.
13. Power of Companies to change name.

Articles of Association.

14. Regulations to be prescribed by Articles of Association.
15. Application of Table A
16. Stamp, signature and effect of Articles of Association.

General Provisions.

17. Registration of memorandum of association and Articles of Association with fees as in Table B.
18. Effect of registration.
19. Copies of memorandum and Articles to be given to members.
20. Prohibition against identity of names in Companies.

PART II.

DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Distribution of Capital.

21. Nature of interest in Company.
22. Definition of "Member."
23. Transfer by personal representative.
24. Register of Members.
25. Annual list of members.
26. Penalty on Company, &c., not keeping proper register.
27. Company to give notice of consolidation or conversion of capital into stock.
28. Effect of conversion of shares into stock.
29. Entry of trusts on register.
30. Certificate of shares or stock.
31. Inspection of register.
32. Power to close register.
33. Notice of increase of capital and of members to be given to Registrar.
34. Remedy for improper entry or omission of entry in register.
35. Notice to Registrar of rectification of register.
36. Register to be evidence.

Liability of Members.

37. Liability of present and past members of Company.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

38. Registered Office of Company.
39. Notice of situation of registered Office.
40. Publication of name by a limited Company.
41. Penalties on non-publication of name.
42. Contracts how made.
43. Register of mortgages.
44. Certain Companies to publish statement entered in Schedule.
45. List of Directors to be sent to Registrar.
46. Penalty on Company not keeping Register of Directors.
47. Promissory Notes, Bills of Exchange, and Húndís.
48. Prohibition against carrying on business with less than seven members.

Section.

Provisions for Protection of Members.

49. General Meeting of Company. Balance-sheet. Audit.
50. Power to alter regulations by Special Resolution.
51. Definition of Special Resolution.
52. Provision where no regulations as to meetings.
53. Registry of Special Resolutions.
54. Copies of Special Resolutions.
55. Execution of deeds abroad.
56. Examination of affairs of Company by Inspectors.
57. Application for inspection to be supported by evidence.
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60. Power of Company to appoint Inspectors.
61. Report of Inspectors to be evidence.

Notices.

62. Service of notices on Company.
63. Rules as to notices by letter.
64. Authentication of notices by Company.

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65. Evidence of proceedings at meetings.
66. Provision as to costs in suits brought by certain limited Companies.
67. Plaint in suits against members.

Alteration of Forms.

68. Governor-General in Council may alter Forms in Schedule.

Arbitrations.

69. Power for Companies to refer matters to arbitration.
[illegible]er to alter or revoke agreements for reference.
[illegible] Agreements to be carried into effect.
[illegible] Reference to Arbitrator.
[illegible] Reference to two or more Arbitrators.
[illegible] Appointment of Arbitrators by Companies.
[illegible] Appointment of Arbitrators by Local Government.
[illegible] Appointment of Arbitrators by Companies to supply vacancies.
[illegible] Appointment of Arbitrators by Local Government to supply vacancies.
[illegible] Appointment of Arbitrator not revocable.
[illegible] Appointment of Umpire by Arbitrators.
[illegible] Appointment of Umpire by Local Government.
[illegible] Appointment of Umpire by Arbitrators to supply vacancy.
82. Appointment of Umpire by Local Government to supply vacancy.
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84. Reference to Umpire.
85. Power for Arbitrators, &c., to call for books, &c., and administer oath.
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87. Arbitration may proceed in absence of Companies.
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98. Nature of liability of contributory.

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109. Copy of order to be forwarded to Registrar.
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111. Effect of order on share-capital of Company limited by guarantee.
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116. Powers of Official Liquidator.
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122. Power of Court to order payment of debts by contributory.
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129. Court to adjust rights of contributories.
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138. Power to enforce orders.
139. Order made in any Court to be enforced by other Courts.
140. Mode of dealing with orders to be enforced by other Courts.
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142. Judicial notice to be taken of signature of Officers.
143. Special Commissioners for receiving evidence.
144. Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

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145. Circumstances under which Company may be wound up voluntarily.
146. Commencement of voluntary winding-up.

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147. Effect of voluntary winding-up on status of Company.
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149. Consequences of voluntary winding-up.
150. Effect of winding-up on share-capital of Company limited by guarantee.
151. Power of Company to delegate authority to appoint Liquidators.
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153. Power of creditor or contributory to appeal.
154. Power for Liquidators or contributories in voluntary winding-up to apply to Court.
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157. Power of Court to appoint Liquidators.
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159. Liquidators to report meeting to Registrar.
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166. Power to Court to appoint additional Liquidators in winding-up subject to supervision.
167. Effect of order of Court for winding-up subject to supervision.
168. Appointment in certain cases of voluntary Liquidators to office of Official Liquidators.

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171. As to disposal of books, accounts, and documents of the Company.
172. Inspection of books.
173. General scheme of liquidation may be sanctioned.
174. Power to compromise.
175. Power for Liquidators to accept shares, &c., as a consideration for sale of property of Company.
176. Mode of determining price.
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178. Vacancy of Arbitrator to be supplied.
179. Appointment of Umpire.
180. Power of Arbitrators to call for books, &c.
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182. Submission to arbitration may be filed in Court.
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189. Power of High Court to make rules.

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192. Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.
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196. Definition of Joint Stock Company.
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199. Power for existing Company to register amount of stock instead of shares.
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202. On registration of Banking Company with limited liability, notice to be given to customers.
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204. Company to change name.
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216. Effect of order for winding up Company.
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226. Punishment of offences under this Act, committed within local limits of High Court.
227. Levy of fines by distress.
228. Procedure until return is made to distress warrant.
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230. Construction of "Registrar of Joint Stock Companies" in Act XXI of 1860.
231. Act not to apply to Banks of Bengal, Madras or Bombay.

ACT No. X OF 1866.

An Act for the incorporation, regulation, and winding-up of Trading Companies and other Associations.

Preamble.

Whereas it is expedient that the laws relating to the incorporation, regulation, and winding-up of Trading Companies and other associations should be consolidated and amended; It is enacted as follows:—

Preliminary.

Short Title.

1. This Act may be cited for all purposes as "The Indian Companies' Act, 1866."

Commencement of Act.

2. This Act shall come into operation on the first day of May 1866, and the time at which it so comes into operation is hereinafter referred to as the commencement of this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context:—

"British India." "British India" means the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., Cap. 106, entitled "An Act for the better Government of India:"

"Year." "Month." "Year" and "month" respectively denote a year and month reckoned according to the British calendar:

"Insurance Company." An "Insurance Company" means a Company that carries on the business of insurance either solely or in common with any other business or businesses:

"Court." "Court" means the principal Civil Court of original jurisdiction in a District, and includes the High Court in the exercise of its ordinary original Civil jurisdiction:

"District Court." "District Court" means the principal Civil Court of original jurisdiction in a District, but does not include the High Court in the exercise of its ordinary original Civil jurisdiction;

"Local Government." "High Court." And, in any part of British India in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such part and includes a Chief Commissioner; and "High Court" denotes the highest Civil Court of appeal therein.

Prohibition of partnerships exceeding certain number.

4. No Company, Association or Partnership consisting of more than ten persons shall be formed, after the commencement of this Act, for the purpose of carrying on the business of banking, unless it is registered as a Company under this Act, or is formed in pursuance of an Act of Parliament or some other Act of the Governor-General of India in Council, or by Royal Charter or Letters Patent; and no Company, Association or Partnership consisting of more than twenty persons shall be formed, after the commencement of this Act, for the purpose of carrying on any other business that has for its object the acquisition of gain by the Company, Association or Partnership, or by the individual members thereof, unless it is registered as a Company under this Act, or is formed in pursuance of some other Act or of Letters Patent.

Division of Act.

5. This Act is divided into nine Parts, relating to the following subject-matters:—

The first Part—to the constitution and incorporation of Companies and Associations under this Act:

The second Part—to the distribution of the capital and liability of members of Companies and Associations under this Act:

The third Part—to the management and administration of Companies and Associations under this Act:

The fourth Part—to the winding-up of Companies and Associations under this Act:

The fifth Part—to the Registration Office:

The sixth Part—to the application of this Act to Companies registered under Act No. XIX of 1857 *(for the incorporation and regulation of Joint Stock Companies and other associations either with or without limited liability of the members thereof)* and Act No. VII of 1860 *(to enable Joint Stock Banking Companies to be formed on the principle of limited liability)*, or either of them:

The seventh Part—to Companies authorized to register under this Act:

The eighth Part—to the application of this Act to unregistered Companies:

The ninth Part—to repeal of Acts.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Memorandum of Association.

Mode of forming Company.

6. Any seven or more persons associated for any lawful purpose may, by subscribing their names to a memorandum of association, and otherwise complying with the requisitions of this Act in respect of registration, form an incorporated Company, with or without limited liability.

Mode of limiting liability of members.

7. The liability of the members of a Company formed under this Act may, according to the memorandum of association, be limited either to the amount, if any, unpaid on the shares respectively held by them, or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the Company in the event of its being wound up.

Memorandum of association of a Company limited by shares.

8. Where a Company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares, hereinafter referred to as a Company limited by shares, the memorandum of association shall contain the following things; (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that the liability of the members is limited:

(5.) The amount of capital with which the Company proposes to be registered divided into shares of a certain fixed amount.

Subject to the following regulations:—

(1.) That no subscriber shall take less than one share.

(2.) That each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes.

Memorandum of association of a Company limited by guarantee.

9. Where a Company is formed on the principle of having the liability of its members limited to such amount as the members respectively undertake to contribute to the assets of the Company in the event of the same being wound up, hereinafter referred to as a Company limited by

guarantee, the memorandum of association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company, with the addition of the word "limited" as the last word in such name:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established:

(4.) A declaration that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

Memorandum of association of an unlimited Company.

10. Where a Company is formed on the principle of having no limit placed on the liability of its members, hereinafter referred to as an Unlimited Company, the memorandum of association shall contain the following things, (that is to say)—

(1.) The name of the proposed Company:

(2.) The part of British India in which the registered Office of the Company is proposed to be situate:

(3.) The objects for which the proposed Company is to be established.

Stamp, signature, and effect of memorandum of association.

11. The memorandum of association shall bear the same stamp as if it were a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. It shall, when registered, bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in the memorandum contained on the part of himself, his heirs, executors and administrators, a covenant to observe all the conditions of such memorandum, subject to the provisions of this Act.

Power of certain Companies to alter memorandum of association.

12. Any Company limited by shares may so far modify the conditions contained in its memorandum of association, if authorized to do so by its regulations as originally framed, or as altered by Special Resolution in manner hereinafter mentioned, as to increase its capital, by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid-up shares into stock, but, save as aforesaid, and save as hereinafter provided in the case of a change of name, no alteration shall be made by any Company in the conditions contained in its memorandum of association.

Power of Companies to change name.

13. Any Company under this Act, with the sanction of a Special Resolution of the Company passed in manner hereinafter mentioned, and with the approval of the Local Government testified in writing under the hand of one of the Secretaries to such Government, may change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

Articles of Association.

Regulations to be prescribed by Articles of Association.

14. The memorandum of association may, in the case of a Company limited by shares, and shall, in the case of a Company limited by guarantee or unlimited, be accompanied, when registered, by Articles of Association signed by the subscribers to the memorandum of association, and prescribing such regulations for the Company as the subscribers to the memorandum of association deem expedient. The Articles shall be expressed in separate paragraphs, numbered arithmetically: They may adopt all or any of the provisions contained in the Table marked A in the first Schedule hereto: They shall, in the case of a Company, whether limited by guarantee or unlimited, that has a capital divided into shares, state the amount of capital with which the Company proposes to be registered; and in the case of a Company, whether limited by guarantee or unlimited, that has not a capital divided into shares, state the number of members with which the Company proposes to be registered, for the purpose of enabling the Registrar to determine the fees payable on registration. In a Company limited by guarantee or unlimited, and having a capital divided into shares, each subscriber shall take one share at the least, and shall write opposite to his name in the memorandum of association the number of shares he takes.

Application of Table A.

15. In the case of a Company limited by shares, if the memorandum of association is not accompanied by Articles of Association, or, in so far as the Articles do not exclude or modify the regulations contained in the Table marked A in the first Schedule hereto, the last mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company in the same manner and to the same extent as if they had been inserted in Articles of Association and the Articles had been duly registered.

Stamp, signature, and effect of Articles of Association.

16. The Articles of Association shall be printed, they shall bear the same stamp as if they were contained in a deed, and shall be signed by each subscriber in the presence of, and be attested by, one witness at the least. When registered, they shall bind the Company and the members thereof to the same extent as if each member had subscribed his name thereto, and there were in such Articles contained a covenant on the part of himself, his heirs, executors and administrators, to conform to all the regulations contained in such Articles, subject to the provisions of this Act. All monies payable by any member to the Company, in pursuance of the conditions and regulations of the Company, or any of such conditions or regulations, shall be deemed to be a debt due from such member to the Company.

General Provisions.

Registration of memorandum of association and Articles of Association with fees as in Table B.

17. The memorandum of association and the Articles of Association, if any, shall be delivered to the Registrar of Joint Stock Companies hereinafter mentioned, who shall retain and register the same. There shall be paid to the Registrar by a Company having a capital divided into shares, in respect of the several matters mentioned in the Table marked B in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor-General of India in Council may from time to time direct, and by a Company not having a capital divided into shares, in respect of the several matters mentioned in the Table marked C in the first Schedule hereto, the several fees therein specified, or such smaller fees as the Governor-General of India in Council may from time to time direct. All fees paid to the said Registrar in pursuance of this Act shall be accounted for to Government.

Effect of registration.

18. Upon the registration of the memorandum of association and of the Articles of Association in cases where Articles of Association are required by this Act, or by the desire of the parties to be registered, the Registrar shall certify under his hand

that the Company is incorporated, and in the case of a Limited Company that the Company is limited. The subscribers of the memorandum of association, together with such other persons as may from time to time become members of the Company, shall thereupon be a Body Corporate by the name contained in the memorandum of association, capable forthwith of exercising all the functions of an incorporated Company, and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the Company in the event of the same being wound up as is hereinafter mentioned. A certificate of the incorporation of any Company given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with.

Copies of memorandum and Articles to be given to members.

19 A copy of the memorandum of association having annexed thereto the Articles of Association, if any, shall be forwarded to every member, at his request, on payment of the sum of one rupee, or such less sum as may be prescribed by the Company for each copy; and if any Company makes default in forwarding a copy of the memorandum of association and Articles of Association, if any, to a member in pursuance of this Section, the Company so making default shall for each offence incur a penalty not exceeding twenty rupees.

Prohibition against identity of names in Companies.

20. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive, except in a case where such subsisting Company is in the course of being dissolved and testifies its consent in such manner as the Registrar requires. If any Company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case; but no such alteration of name shall affect any rights or obligations of the Company, or render defective any legal proceedings instituted or to be instituted by or against the Company, and any legal proceedings may be continued or commenced against the Company by its new name that might have been continued or commenced against the Company by its former name.

PART II.

Distribution of Capital and Liability of Members of Companies and Associations under this Act.

Distribution of Capital.

Nature of interest in Company.

21. The shares or other interest of any member in a Company under this Act shall be moveable property capable of being transferred in manner provided by the regulations of the Company, and shall not be of the nature of real estate or immoveable property; and each share shall, in the case of a Company having a capital divided into shares, be distinguished by its appropriate number.

Definition of "Member."

22. The subscribers of the memorandum of association of any Company under this Act shall be deemed to have agreed to become members of the Company whose memorandum they have subscribed, and upon the registration of the Company shall be entered as members on the Register of Members hereinafter mentioned; and every other person who has agreed to become a member of a Company under this Act, and whose name is entered on the Register of Members, shall be deemed to be a member of the Company.

Transfer by personal representative.

23. Any transfer of the share or other interest of a deceased member of a Company under this Act, made by his personal representative, shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

Register of Members.

24. Every Company under this Act shall cause to be kept in one or more books a Register of its members, and there shall be entered therein the following particulars:—

(1.) The names and addresses, and the occupations, if any, of the members of the Company, with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member:

(2.) The date at which the name of any person was entered in the register as a member:

(3.) The date at which any person ceased to be a member.

Any Company acting in contravention of this Section shall incur a penalty not exceeding fifty rupees for every day during which its default in complying with the provisions of this Section continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such contravention shall incur the like penalty.

Annual list of members.

25. Every Company under this Act and having a capital divided into shares shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the Ordinary General Meeting, or if there is more than one Ordinary Meeting in each year the first of such Ordinary General Meetings is held, are members of the Company. Such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

(1.) The amount of the capital of the Company and the number of shares into which it is divided:

(2.) The number of shares taken from the commencement of the Company up to the date of the summary:

(3.) The amount of calls made on each share:

(4.) The total amount of calls received:

(5.) The total amount of calls unpaid:

(6.) The total amount of shares forfeited:

(7.) The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the Register, and shall be completed within seven days after such fourteenth day as is mentioned in this Section, and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

Penalty on Company, &c., not keeping a proper Register.

26. If any Company under this Act and having a capital divided into shares makes default in complying with the provisions of this Act with respect to forwarding such list of members or summary as is hereinbefore mentioned to the Registrar, such Company shall incur a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

27. Every Company under this Act having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares, or converted any portion of its capital into stock, shall within fifteen days of such consolidation, division or conversion, give notice to the Registrar of Joint Stock Companies of the same, specifying the shares so consolidated, divided or converted.

Company to give notice of consolidation or of conversion of capital into stock.

28. Where any Company under this Act and having a capital divided into shares has converted any portion of its capital into stock, and given notice of such conversion to the Registrar, all the provisions of this Act which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the Register of Members hereby required to be kept by the Company, and the list of members to be forwarded to the Registrar shall show the amount of stock held by each member in the list instead of the amount of shares and the particulars relating to shares hereinbefore required.

Effect of conversion of shares into stock.

29. No notice of any trust, express, implied or constructive, shall be entered on the Register or be receivable by the Registrar in the case of Companies under this Act and registered in British India.

Entry of trusts on Register.

30. A certificate under the common seal of the Company, specifying any share or shares or stock held by any member of a Company, shall be *primâ facie* evidence of the title of the member to the share or shares or stock therein specified.

Certificate of shares or stock.

31. The Register of Members, commencing from the date of the registration of the Company, shall be kept at the registered Office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall during business hours, but subject to such reasonable restrictions as the Company in General Meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the Company may prescribe for each inspection. Every such member or other person may require a copy of such Register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of two annas for every hundred words required to be copied. If such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues. Every Director and Manager of the Company who shall knowingly authorize or permit such refusal shall incur the like penalty. In addition to the above penalty, any Judge of a High Court may by order compel an immediate inspection of the Register.

Inspection of Register.

32. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Members for any time or times not exceeding in the whole thirty days in each year.

Power to close Register.

33. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and, where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar, in the case of an increase of capital within fifteen days from the date of the passing of the Resolution by which such increase has been authorized, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the Registrar shall forthwith record the amount of such increase of capital or members. If such notice is not given within the period aforesaid, the Company in default shall incur a penalty not exceeding one hundred rupees for every day during which such neglect to give notice continues, and every Director and Manager of the Company, who shall knowingly and wilfully authorize or permit such default, shall incur the like penalty.

Notice of increase of capital and of members to be given to Registrar.

34. If the name of any person is without sufficient cause entered in, or omitted from, the Register of Members of any Company under this Act, or if default is made, or unnecessary delay takes place, in entering on the Register the fact of any person having ceased to be a member of the Company, the person or member aggrieved, or any member of the Company, or the Company itself, may, by application to the principal Court of original Civil jurisdiction in the district or place in which the registered Office of the Company is situate, apply for an order of the Court that the Register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the Register, and may direct the Company to pay all the costs of such application, and any damages the party aggrieved may have sustained. The Court may in any proceeding under this Section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in, or omitted from, the Register, whether such question arises between two or more members or alleged members, or between any members or alleged members and the Company, and generally the Court may, in any such proceeding, decide any question that it may be necessary or expedient to decide for the rectification of the Register; provided that the Court may direct an issue to be tried in which any question of law may be raised, and an appeal in the manner directed by the Code of Civil Procedure shall lie.

Remedy for improper entry or omission of entry in Register.

35. Whenever any order has been made for rectifying the Register in the case of a Company hereby required to send a list of its members to the Registrar, the Court shall, by its order, direct that due notice of such rectification be given to the Registrar.

Notice to Registrar of rectification of Register.

36. The Register of Members shall be *primâ facie* evidence of any matters by this Act directed or authorized to be inserted therein.

Register to be evidence.

Liability of Members.

37. In the event of a Company formed under this Act being wound up, every present and past member of such Company shall be liable to contribute to the assets of the Company to an amount sufficient for payment of the debts and liabilities of the Company, and the costs, charges and expenses of the winding-up, and for the payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves, with the qualifications following; (that is to say)—

Liability of present and past members of Company.

(1.) No past member shall be liable to contribute to the assets of the Company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding-up:

(2.) No past member shall be liable to contribute in respect of any debt or liability of the Company contracted after the time at which he ceased to be a member:

(3.) No past member shall be liable to contribute to the assets of the Company, unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Act:

(4.) In the case of a Company limited by shares, no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member:

(5.) In the case of a Company limited by guarantee, no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the memorandum of association:

(6.) Nothing in this Act contained shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members upon any such policy or contract is restricted, or whereby the funds of the Company are alone made liable in respect of such policy or contract:

(7.) No sum due to any member of a Company in his character of a member by way of dividends, profits or otherwise, shall be deemed to be a debt of the Company payable to such member in a case of competition between himself and any other creditor not being a member of the Company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

PART III.

MANAGEMENT AND ADMINISTRATION OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Provisions for Protection of Creditors.

Registered Office of Company.

38. Every Company under this Act shall have a registered Office to which all communications and notices may be addressed. If any Company under this Act carries on business without having such an Office, it shall incur a penalty not exceeding fifty rupees for every day during which business is so carried on.

Notice of situation of registered Office.

39. Notice of the situation of such registered Office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having a registered Office.

Publication of name by a Limited Company.

40. Every Limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every Office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language, and also, if the registered Office be situate in a district beyond the local limits of the ordinary original Civil jurisdiction of a High Court, in one of the vernacular languages used in such district, and shall have its name engraven in legible characters in such language or languages on its seal, and shall have its name mentioned in legible characters in such language or languages in all notices, advertisements and other official publications of such Company, and in all Bills of Exchange, Hundís, Promissory Notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts and letters of credit of the Company.

Penalties on non-publication of name.

41. If any Limited Company under this Act does not paint or affix and keep painted or affixed its name, in manner directed by this Act, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name and for every day during which such name is not so kept painted or affixed. Every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to the like penalty. If any Director, Manager or Officer of such Company, or any person on its behalf, uses or authorizes the use of any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company, any Bill of Exchange, Hundí, Promissory Note, endorsement, cheque, order for money or goods, or issues or authorizes to be issued any bill of parcels, invoice, receipt or letter of credit of the Company wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of one thousand rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hundí, Promissory Note, cheque or order for money or goods, for the amount thereof, unless the same is duly paid by the Company.

Contracts how made.

42. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say)—

(1.) Any contract which if made between private persons would be, by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company, and such contract may be in the same manner varied or discharged:

(2.) Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company, and such contract may in the same manner be varied or discharged:

(3.) Any contract which if made between private persons would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Company by any person acting under the express or implied authority of the Company, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors or administrators, as the case may be.

Register of mortgages.

43. Every Limited Company under this Act shall keep a Register of all mortgages and charges specifically affecting property of the Company, and shall enter in such Register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created and the names of the mortgagees or persons entitled to such charge. If any property of the Company is mortgaged or charged without such entry as aforesaid being made, every Director, Manager or other Officer of the Company who knowingly and wilfully authorizes or permits the omission of such entry shall incur a penalty not exceeding five hundred rupees. The Register of mortgages required by this Section shall be open to inspection by any creditor or member of the Company at all reasonable times. If such inspection is refused, any Officer of the Company refusing the same, and every Director and Manager of the Company authorizing or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding fifty rupees and a further penalty not exceeding twenty rupees for every day during which such refusal continues. In addition to the above penalty any Judge of the High Court may by order compel an immediate inspection of the Register.

Certain Companies to publish statement entered in Schedule.

44. Every Limited Banking Company and every Insurance Company, and Deposit, Provident or Benefit Society under this Act shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first Schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered Office of the Company and in every branch Office or place where the business of the Company is carried on. If default is made in compliance with the provisions of this Section, the Company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Every member and every creditor of any Company mentioned in this Section shall be entitled to a copy of the abovementioned statement on payment of a sum not exceeding eight annas

List of Directors to be sent to Registrar.

45. Every Company under this Act and not having a capital divided into shares shall keep at its registered Office a Register containing the names and addresses and the occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a copy of such Register, and shall from time to time notify to the Registrar any change that takes place in such Directors or Managers.

Penalty on Company not keeping Register of Directors

46 If any Company under this Act and not having a capital divided into shares makes default in keeping a Register of its Directors or Managers, or in sending a copy of such Register to the Registrar in compliance with the foregoing rules, or in notifying to the Registrar any change that takes place in such Directors or Managers, such delinquent Company shall incur a penalty not exceeding one hundred rupees for every day during which such default continues, and every Director or Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Promissory Notes, Bills of Exchange and Hundís.

47. A Promissory Note, Bill of Exchange or Hundí shall be deemed to have been made, accepted, or endorsed on behalf of any Company under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the authority of the Company, or if made, accepted, or endorsed by or on behalf or on account of the Company, by any person acting under the authority of the Company.

Prohibition against carrying on business with less than seven members.

48. If any Company under this Act carries on business when the number of its members is less than seven for a period of six months after the number has been so reduced, every person who is a member of such Company during the time that it so carries on business after such period of six months, and is cognizant of the fact that it is so carrying on business with fewer than seven members, shall be severally liable for the payment of the whole debt of the Company contracted during such time, and may be sued for the same without the joinder in the suit of any other member.

Provisions for Protection of Members

General Meeting of Company.

Balance-sheet.

49. A General Meeting of every Company under this Act shall be held once at the least in every year. A balance-sheet shall be made out in every year, and laid before the Company in General Meeting and filed with the Registrar of Joint Stock Companies, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to Table A in the first Schedule hereto, or as near thereto as circumstances admit. And once at the least in every year the accounts of the Company shall be examined and the correctness of the balance-sheet ascertained by one or more auditor or auditors. If default is made in compliance with any of the provisions of this Section, every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall be liable to a penalty of one thousand rupees.

Audit.

Power to alter regulations by Special Resolution.

50. Subject to the provisions of this Act, and to the conditions contained in the memorandum of association, any Company formed under this Act may, in General Meeting, from time to time, by passing a Special Resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the Articles of Association, or in the Table marked A in the first Schedule where such Table is applicable to the Company, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company. Any regulations so made by Special Resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the Articles of Association, and shall be subject in like manner to be altered or modified by any subsequent Special Resolution.

Definition of Special Resolution.

51. A Resolution passed by a Company under this Act shall be deemed to be special, whenever a Resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed) at any General Meeting of which notice specifying the intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy at a subsequent General Meeting of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such Resolution was first passed. At any meeting mentioned in this Section, unless a poll is demanded by at least five members, a declaration of the Chairman that the Resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notice of any meeting shall, for the purposes of this Section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this Section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Provision where no regulations as to meetings.

52 In default of any regulations as to voting every member shall have one vote, and in default of any regulations as to summoning General Meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the Table marked A in the first Schedule hereto. In default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same, and in default of any regulations as to who is to be Chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Registry of Special Resolutions.

53 A copy of every Special Resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of Joint Stock Companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the Resolution, the Company shall incur a penalty not exceeding twenty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded, and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Copies of Special Resolutions.

54. Where Articles of Association have been registered, a copy of every Special Resolution for the time being in force shall be annexed to or embodied in every copy of the Articles of Association that may be issued after the passing of such Resolution. Where no Articles of Association have been registered, a copy of every Special Resolution shall be forwarded in print to any member requesting the same, on payment of one rupee or such less sum as the Company may direct. If any Company makes default in complying with the provisions of this Section, it shall incur a penalty not exceeding twenty rupees for each copy in respect of which

such default is made; and every Director and Manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Execution of deeds abroad.

55. Any Company under this Act may, by instrument in writing under its common seal, empower any person, either generally or in respect of any specified matters, as its Attorney, to execute deeds on its behalf in any place not situate in British India; and every deed signed by such Attorney on behalf of the Company and under his seal, shall be binding on the Company and have the same effect as if it were under the common seal of the Company.

Examination of affairs of Company by Inspectors

56. The Local Government may appoint one or more competent Inspectors to examine into the affairs of any Company under this Act, and to report thereon in such manner as the Local Government may direct upon the applications following; (that is to say)...

(1.) In the case of a Banking or any other Company that has a capital divided into shares, upon the application of members holding not less than one-fifth part of the whole shares of the Company for the time being issued:

(2.) In the case of any Company not having a capital divided into shares, upon the application of members being in number not less than one-fifth of the whole number of persons for the time being entered on the Register of the Company as members.

Application for inspection to be supported by evidence.

57. The application shall be supported by such evidence as the Local Government may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same. The Local Government may also require the applicants to give security for payment of the costs of the inquiry before appointing any Inspector or Inspectors.

Inspection of books.

58. It shall be the duty of all Officers and Agents of the Company to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath or affirmation the Officers and Agents of the Company in relation to its business, and may administer such oath or affirmation accordingly. If any such Officer or Agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding one hundred rupees in respect of each offence.

Result of examination how dealt with.

59. Upon the conclusion of the examination, the Inspectors shall report their opinions to the Local Government. Such report shall be written or printed as the Local Government directs. A copy shall be forwarded by the Local Government to the registered Office of the Company, and a further copy shall, at the request of the members upon whose application the inspection was made, be delivered to them or to any one or more of them. All expenses of and incidental to any such examination as aforesaid shall be defrayed by the members upon whose application the Inspectors were appointed, unless the Local Government shall direct the same to be paid out of the assets of the Company, which the Local Government is hereby authorized to do.

Power of Company to appoint Inspectors.

60. Any Company under this Act may by a Special Resolution appoint Inspectors for the purpose of examining into the affairs of the Company. The Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the Local Government, with this exception, that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in General Meeting directs. The Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document hereby required to be produced to such Inspectors or to answer any question, as they would have incurred if such Inspectors had been appointed by the Local Government.

Report of Inspectors to be evidence.

61. A copy of the report of any Inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding as evidence of the opinion of the Inspectors in relation to any matter contained in such report.

Notices.

Service of notices on Company.

62. Any summons, notice, order or other document required to be served upon the Company, may be served by leaving the same, or sending it through the Post by a registered letter addressed to the Company, at their registered Office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the Post by a registered letter, or by delivering it to him, or by leaving it for him at his Office.

Rules as to notices by letter.

63 Every document to be served by Post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the Post Office.

Authentication of notices by Company.

64. Any summons, notice, order or proceeding requiring authentication by the Company, may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Legal Proceedings.

Evidence of proceedings at meetings.

65. Every Company under this Act shall cause minutes of all Resolutions and proceedings of General Meetings of the Company, and of the Directors or Managers of the Company in cases where there are Directors or Managers, to be duly entered in books to be from time to time provided for the purpose; and any such minute as aforesaid, if purporting to be signed by the Chairman of the meeting at which such Resolutions were passed or proceedings had, or by the Chairman of the next succeeding meeting, shall be received as evidence in all legal proceedings. Until the contrary is proved, every General Meeting of the Company or meeting of Directors or Managers in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all Resolutions passed thereat or proceedings had, to have been duly passed and had, and all appointments of Directors, Managers or Liquidators shall be deemed to be valid, and all acts done by such Directors, Managers or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

66. Where a Limited Company is plaintiff in any suit, any Judge having jurisdiction in the matter may, if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence, the assets of the Company will be insufficient to pay his costs, require sufficient security to be given for such costs, and may stay all proceedings until such security is given.

Provision as to costs in suits brought by certain Limited Companies.

67. In any suit brought by the Company against any member to recover any call or other monies due from such member in his character of member, it shall be sufficient to allege that the defendant is a member of the Company and is indebted to the Company in respect of a call made or other monies due whereby a suit has accrued to the Company.

Plaint in suits against member.

Alteration of Forms.

68. The forms set forth in the second Schedule hereto, or forms as near thereto as circumstances admit, shall be used in all matters to which such forms refer. The Governor General of India in Council may from time to time make such alterations in the Tables and forms contained in the first Schedule hereto, so that he does not increase the amount of fees payable to the Registrar in the said Schedule mentioned, and in the forms in the second Schedule, or make such additions to the last mentioned forms, as he deems requisite. Any such Table or form, when altered, shall be published in the Gazette of India, and upon such publication being made, such Table or form shall have the same force as if it were included in the Schedule to this Act, but no alteration made by the Governor-General of India in Council in the Table marked A contained in the first Schedule shall affect any Company registered prior to the date of such alteration, or repeal, as respects such Company, any portion of such Table.

Governor-General in Council may alter forms in Schedule.

Arbitrations.

69. Any Company under this Act may from time to time, by writing under its common seal, agree to refer and may refer to arbitration any matter whatsoever in dispute between itself and any other Company or person; and the Companies parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any terms or to determine any matter capable of being lawfully settled or determined by the Companies themselves, or by the Directors or other managing body of such Companies.

Power for Companies to refer matters to arbitration.

70. The Companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter or revoke any agreement for reference in accordance with this Act theretofore entered into between the Companies, or any of the terms, conditions or stipulations thereof.

Power to alter or revoke agreements for reference.

71. Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the Companies, and may and shall be carried into full effect.

Agreements to be carried into effect.

72. Where the Companies agree, the reference shall be made to a single Arbitrator.

Reference to Arbitrator

73. Except where the Companies agree that the reference shall be made to a single Arbitrator, the reference shall be made as follows; to wit—

Reference to two or more Arbitrators.

Where there are two Companies, the reference shall be made to two Arbitrators:

Where there are three or more Companies, the reference shall be made to so many Arbitrators as there are Companies.

74. Where there are to be two or more Arbitrators, every Company shall by writing under their common seal appoint one of the Arbitrators, and shall give notice in writing thereof to the other Company or Companies.

Appointment of Arbitrators by Companies.

75. Where there are to be two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within fourteen days after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator. The Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Local Government.

76. When the reference is made to two or more Arbitrators, if before the matters referred to them are determined any Arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Arbitrator, the Company by which he was appointed shall by writing under their common seal appoint an Arbitrator in his place.

Appointment of Arbitrators by Companies to supply vacancies.

Where the Company by which an Arbitrator ought to be appointed in the place of the Arbitrator so deceased, incapable, unfit or failing to act, fails to make the appointment within fourteen days, after being thereunto requested in writing by the other Company, or by the other Companies or any of them, then, on the application of the Companies or any of them, the Local Government may appoint an Arbitrator. The Arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Local Government to supply vacancies.

78. When any appointment of an Arbitrator is made, the Company making the appointment shall have no power to revoke the same without the previous consent in writing of the other Company or every other Company in writing under their common seal.

Appointment of Arbitrator not revocable.

79. Where two or more Arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their Umpire.

Appointment of Umpire by Arbitrators.

80. If the Arbitrators do not appoint an Umpire within seven days after the reference is made to the Arbitrators, then, on the application of the Companies or any of them, the Local Government may appoint an Umpire; and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Local Government.

81. Where two or more Arbitrators are appointed, if before the matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as Umpire, the Arbitrators shall by writing under their hands appoint an impar-

Appointment of Umpire by Arbitrators to supply vacancy.

tial and qualified person to be their Umpire in his place.

Appointment of Umpire by Local Government to supply vacancy.

82. If the Arbitrators fail to appoint an Umpire within seven days after notice in writing to them of the decease, incapacity, unfitness or failure to act of their Umpire, then, on the application of the Companies or any of them, the Local Government may appoint an Umpire. The Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Succeeding Arbitrators and Umpires to have powers of predecessors.

83. Every Arbitrator appointed in the place of a preceding Arbitrator, and every Umpire appointed in the place of a preceding Umpire, shall respectively have the like powers and authorities as his respective predecessor.

Reference to Umpire.

84. Where there are two or more Arbitrators, if they do not within such a time as the Companies agree on, or, failing such agreement, within thirty days next after the reference is made to the Arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c., to call for books, &c., and administer oath.

85. The Arbitrator, and the Arbitrators, and the Umpire respectively may call for the production of any documents or evidence in the possession or power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the matters referred, and may examine the witnesses of the Companies respectively on oath or affirmation, and may administer the requisite oath or affirmation.

Procedure in the arbitration.

86. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration may proceed in absence of Companies.

87. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the absence of all or any of the Companies in every case in which, after giving notice in that behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several awards may be made.

88. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred. Every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the Arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

Awards made in due time to bind all parties.

89. The award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in writing under his or their respective hand or hands and ready to be delivered to the Companies within such a time as the Companies agree on, or failing such agreement within thirty days next after the matters in difference are referred to (as the case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Power for Umpire to extend period for making his award.

90. Provided always that (except where and as the Companies otherwise agree) the Umpire, from time to time by writing under his hand, may extend the period within which his award is to be made. If it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Awards not to be set aside for informality.

91. No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

Awards to be obeyed.

92. Except only so far as the Companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted or suffered, shall be done, omitted or suffered accordingly.

Agreements, arbitrations and awards to have effect.

93. Full effect shall be given by the Courts according to their respective jurisdictions, and by the Companies respectively, and otherwise, to all agreements, references, arbitrations and awards in accordance with this Act; and the performance or observance thereof may, where the Courts think fit, be compelled by any process against the Companies respectively or their respective property that the Courts or any Judge thereof shall direct, and where requisite frame, for the purpose.

Costs of arbitration and award.

94. Except where and as the Companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrator, and the Arbitrators, and the Umpire respectively.

Payment of costs.

95. Except where and as the Companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the Companies in equal shares, and in other respects the Companies shall bear their own respective costs.

Submission to arbitration to be filed in Court.

96. On the application of any party interested, the submission to any such arbitration may be filed in the High Court, and an order of reference may be made thereon, with any directions the Court thinks fit; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

PART IV.

WINDING-UP OF COMPANIES AND ASSOCIATIONS UNDER THIS ACT.

Preliminary.

Meaning of contributory.

97. The term "contributory" shall mean every person liable to contribute to the assets of a Company under this Act in the event of the same being wound up; it shall also, in all proceedings for determining the persons who are to be deemed contributories, and in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory.

Nature of liability of contributory.

98. The liability of any person to contribute to the assets of a Company under this Act in the event of the same being wound up, shall be deemed to create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times

when calls are made as hereinafter mentioned for enforcing such liability; and it shall be lawful in the case of the insolvency of any contributory to prove against his estate the estimated value of his liability to future calls, as well as calls already made.

Contributories in case of death.

99. If any contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in a due course of administration to contribute to the assets of the Company in discharge of the liability of such deceased contributory, and such personal representatives, heirs and devisees shall be deemed to be contributories accordingly.

Contributories in case of insolvency.

100. If any contributory becomes insolvent, either before or after he has been placed on the list of contributories, his assignees shall be deemed to represent such insolvent for all the purposes of the winding-up, and shall be deemed to be contributories accordingly, and may be called upon to admit to prove against the estate of such insolvent, or otherwise to allow to be paid out of his assets in due course of law, any monies due from such insolvent in respect of his liability to contribute to the assets of the Company being wound up.

Winding-up by Court.

Circumstances under which Company may be wound up by Court.

101. A Company under this Act may be wound up by the Court as hereinafter defined, under the following circumstances; (that is to say)—

(1.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up by the Court:

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year:

(3.) Whenever the members are reduced in number to less than seven:

(4.) Whenever the Company is unable to pay its debts:

(5.) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up.

Company when deemed unable to pay its debts.

102. A Company under this Act shall be deemed to be unable to pay its debts—

(1.) Whenever a creditor, by assignment or otherwise, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at its registered Office, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the reasonable satisfaction of the creditor:

(2.) Whenever execution or other process issued on a decree or order obtained in any Court in favour of any creditor, in any proceeding instituted by such creditor against the Company, is returned unsatisfied in whole or in part:

(3.) Whenever it is proved to the satisfaction of the Court that the Company is unable to pay its debts.

Definition of "the Court."

103. The expression "the Court," as used in this Part of this Act, shall mean the principal Court having original Civil jurisdiction in the place in which the registered Office of the Company is situate; unless in the regulations for the management of the Company it shall be stipulated that the Company if wound up shall be wound up by the High Court of Judicature at Fort William, Madras or Bombay (as the case may be), or by the Chief Court of the Punjab, in which case the word 'Court' shall mean the said High Court or Chief Court (as the case may be) in the exercise of its original Civil jurisdiction.

Application for winding-up to be made by petition.

104. Any application to the Court for the winding-up of a Company under this Act shall be by petition, which may be presented by the Company, or by any one or more creditor or creditors, contributory or contributories of the Company, or by all or any of the above parties, together or separately. Every order which may be made on any such petition shall operate in favour of all the creditors and all the contributories of the Company, in the same manner as if it had been made upon the joint petition of a creditor and a contributory.

Commencement of winding-up by Court.

105. A winding-up of a Company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding-up.

Court may grant injunction.

106. The Court may, at any time after the presentation of a petition for winding up a Company under this Act and before making an order for winding up the Company, upon the application of the Company or of any creditor or contributory of the Company, restrain further proceedings in any suit or proceeding against the Company, upon such terms as the Court thinks fit. The Court may also at any time after the presentation of such petition and before the first appointment of Liquidators, appoint provisionally an Official Liquidator of the estate and effects of the Company.

Course to be pursued by Court on hearing application.

107 Upon hearing the petition, the Court may dismiss the same with or without costs, may adjourn the hearing conditionally or unconditionally, and may make any interim order or any other order that it deems just.

Suits to be stayed after order for winding-up.

108. When an order has been made for winding-up a Company under this Act, no suit or other proceeding shall be proceeded with or commenced against the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Copy of order to be forwarded to Registrar.

109. When an order has been made for winding-up a Company under this Act, a copy of such order shall forthwith be forwarded by the Company to the Registrar of Joint Stock Companies; who shall make a Minute thereof in his Books relating to the Company.

Power of Court to stay proceedings.

110. The Court may at any time after an order has been made for winding up a Company, upon the application of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Effect of order on share-capital of Company limited by guarantee

111. When an order has been made for winding up a Company limited by guarantee and having a capital divided into shares, any share-capital that may not have been called up shall be deemed to be assets of the Company and to be a debt due to the Company from each member to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Court.

112. The Court may, as to all matters relating to the winding-up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may, if it thinks it expedient, direct meetings of the creditors or contributories to be summoned, held and conducted in such manner as the Court directs, for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard is to be had to the value of the debts due to each creditor, and in the case of contributories, to the number of votes conferred on each contributory by the regulations of the Company.

Court may have regard to wishes of creditors or contributories.

Official Liquidators.

113. For the purpose of conducting the proceedings in winding-up a Company and assisting the Court therein, there may be appointed a person or persons to be called an Official Liquidator or Official Liquidators. The Court may appoint such person or persons, either provisionally or otherwise, as it thinks fit, to the office of Official Liquidator or Official Liquidators. In all cases, if more persons than one are appointed to the office of Official Liquidator, the Court shall declare whether any act hereby required or authorized to be done by the Official Liquidator is to be done by all or any one or more of such persons. The Court may also determine whether any and what security is to be given by any Official Liquidator on his appointment. If no Official Liquidator is appointed, or during any vacancy in such appointment, all the property of the Company shall be deemed to be in the custody of the Court.

Appointment of Official Liquidator.

114. Any Official Liquidator may resign or be removed by the Court on due cause shown. Any vacancy in the office of an Official Liquidator appointed by the Court shall be filled by the Court. There shall be paid to the Official Liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and if more Liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Resignations, removals, filling up vacancies, and compensation.

115. The Official Liquidator or Liquidators shall be described by the style of the Official Liquidator or Official Liquidators of the particular Company in respect of which he is or they are appointed, and not by his or their individual name or names. He or they shall take into his or their custody, or under his or their control, all the property, effects and things in action to which the Company is or appears to be entitled, and shall perform such duties in reference to the winding up of the Company as may be imposed by the Court.

Style and duties of Official Liquidator.

116. The Official Liquidator shall have power, with the sanction of the Court, to do the following things:—

Powers of Official Liquidator.

(1.) To bring or defend any suit or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company:

(2.) To carry on the business of the Company, so far as may be necessary for the beneficial winding-up of the same:

(3.) To sell the immoveable and moveable property, effects and things in action of the Company by public auction or private contract, with power to transfer the whole thereof to any person or Company, or to sell the same in parcels:

(4.) To do all acts, and to execute, in the name and on behalf of the Company, all deeds, receipts and other documents, and for that purpose to use, when necessary, the Company's seal:

(5.) To prove, rank, claim and draw a dividend, in the matter of the insolvency of any contributory, for any balance against the estate of such contributory, and to take and receive dividends in respect of such balance, in the matter of the insolvency as a separate debt due from such insolvent, and ratably with the other separate creditors:

(6.) To draw, accept, make and endorse any Bill of Exchange, Hundí or Promissory Note in the name and on behalf of the Company, also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money, and the drawing, accepting, making or endorsing of every such Bill of Exchange, Hundí or Promissory Note as aforesaid on behalf of the Company, shall have the same effect with respect to the liability of such Company as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of such Company in the course of carrying on the business thereof:

(7.) To take out, if necessary, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act that may be necessary for obtaining payment of any monies due from a contributory or from his estate, and which act cannot be conveniently done in the name of the Company; and in all cases where he takes out letters of administration, or otherwise uses his official name for obtaining payment of any monies due from a contributory, such monies shall, for the purpose of enabling him to take out such letters or recover such monies, be deemed to be due to the Official Liquidator himself: Provided that nothing herein contained shall be deemed to affect the rights, duties and privileges of the Administrators General and Officiating Administrators General of Bengal, Madras and Bombay respectively:

(8.) To do and execute all such other things as may be necessary for winding up the affairs of the Company and distributing its assets.

117. The Court may provide by any order that the Official Liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an Official Liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Discretion of Official Liquidator.

118. The Official Liquidator may, with the sanction of the Court, appoint an Attorney or Vakeel to assist him in the performance of his duties.

Appointment of Attorney or Vakeel to Official Liquidator.

Ordinary Powers of Court.

119. As soon as may be after making an order for winding up the Company, the Court shall settle a list of contributories, with power to rectify the Register of Members in all cases where such rectification is required in pursuance of this Act, and shall cause the assets of the Company to be collected and applied in discharge of its liabilities.

Collection and application of assets.

120. In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right, and persons who are contributories as being representatives of or being liable to the debts of others.

Provision as to representative contributories.

121. The Court may, at any time after making an order for winding up a Company, require any contributory for the time being settled on the list of contributories, trustee, receiver, banker or agent, or Officer of the Company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the Official Liquidator any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being, and to which the Company is *primâ facie* entitled.

Power of Court to require delivery of property.

122. The Court may, at any time after making an order for winding up the Company, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the said order mentioned, of any monies due from him or from the estate of the person whom he represents to the Company, exclusive of any monies which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Part of this Act. The Court may, in making such order, when the Company is not limited, allow to such contributory by way of set-off any monies due to him or the estate which he represents from the Company on any independent dealing or contract with the Company, but not any monies due to him as a member of the Company in respect of any dividend or profits. Provided that when all the creditors of any Company, whether limited or unlimited, are paid in full, any monies due on any account whatever to any contributory from the Company may be allowed to him by way of set-off against any subsequent call or calls.

Power of Court to order payment of debts by contributory.

123. The Court may, at any time after making an order for winding up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves. The Court may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

Power of Court to make calls.

124. The Court may order any contributory, purchaser or other person from whom money is due to the Company, to pay the same into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be, or any branch thereof respectively, to the account of the Official Liquidator instead of to the Official Liquidator, and such order may be enforced in the same manner as if it had directed payment to the Official Liquidator.

Power of Court to order payment into Bank.

125. All monies, bills, notes and other securities, paid and delivered into the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, or any branch thereof respectively, in the event of a Company being wound up by the Court, shall be subject to such order and regulation for the keeping of the account of such monies and other effects, and for the payment and delivery in, or investment and payment and delivery out, of the same, as the Court may direct.

Regulation of account with Court.

126. If any person made a contributory as personal representative of a deceased contributory makes default in paying any sum ordered to be paid by him, proceedings may be taken for administering the property of such deceased contributory, whether moveable or immoveable, or both, and of compelling payment thereout of the monies due.

Provision in case of representative contributory not paying monies ordered.

127. Any order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the monies, if any, thereby appearing to be due or ordered to be paid are due, and all other pertinent matters stated in such order are to be taken to be truly stated as against all persons and in all proceedings whatsoever.

Order conclusive evidence.

128. The Court may fix a certain day or certain days on or within which creditors of the Company are to prove their debts or claims, or to be excluded from the benefit of any distribution made before such debts are proved.

Court may exclude creditors not proving within certain time.

129. The Court shall adjust the rights of the contributories amongst themselves, and distribute any surplus that may remain amongst the parties entitled thereto.

Court to adjust rights of contributories.

130. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the estate of the Company of the costs, charges and expenses incurred in winding up any Company in such order of priority as the Court thinks just.

Court to order costs.

131. When the affairs of the Company have been completely wound up, the Court shall make an order that the Company be dissolved from the date of such order, and the Company shall be dissolved accordingly.

Dissolution of Company.

132. Any order so made shall be reported by the Official Liquidator to the Registrar, who shall make a Minute accordingly in his Books of the dissolution of such Company.

Registrar to make Minute of dissolution of Company.

133. If the Official Liquidator makes default in reporting to the Registrar, in the case of a Company being wound up by the Court, the order that the Company be dissolved, he shall be liable to a penalty not exceeding one hundred rupees for every day during which he is so in default.

Penalty on not reporting dissolution of Company.

Extraordinary Powers of Court.

134. The Court may, after it has made an order for winding up the Company, summon before it any Officer of the Company or person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the Company. The Court may require any such Officer or person to produce any documents in his custody or power relating to the Company. If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, having no lawful impediment (made known to the Court at the time of its sitting and allowed by it), the Court may cause such person to be apprehended and brought before the Court for examination. Nevertheless, in cases where any person claims any lien on documents produced by him, such production shall be without prejudice to such lien, and the Court shall have jurisdiction in the winding-up to determine all questions relating to such lien.

Power of Court to summon persons before it suspected of having property of Company.

135. The Court may examine upon oath or affirmation, either by word of mouth or upon written interrogatories, any person appearing or brought before it in manner aforesaid, concerning the affairs, dealings, estate or effects of the Company, and may reduce into writing the answers of every such person, and require him to subscribe the same.

Examination of parties by Court.

136. The Court may, at any time before or after it has made an order for winding up a Company, upon proof being given that there is probable cause for believing that any contributory to such Company is about to quit British India or

Power to arrest contributory about to abscond or to remove or conceal any of his property.

otherwise abscond, or to remove or conceal any of his goods or chattels, for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the Company, cause such contributory to be arrested, and his books, papers, monies, securities for monies, goods and chattels to be seized, and him and them to be safely kept until such time as the Court may order.

Powers of Court cumulative.

137. Any powers by this Act conferred on the Court shall be deemed to be in addition to, and not in restriction of, any other powers subsisting of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the Company, for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Enforcement of and Appeal from Orders.

Power to enforce orders.

138. All orders made by a Court under this Act may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced.

Order made in any Court to be enforced by other Courts.

139. Any order made by a Court for or in the course of the winding-up of a Company under this Act shall be enforced in any part of British India other than that in which such Court is situate, in the Court that would have had jurisdiction in respect of such Company if the registered Office of the Company had been situate in such other part, and in the same manner in all respects as if such order had been made by the Court that is hereby required to enforce the same.

Mode of dealing with orders to be enforced by other Courts.

140. Where any order or decree made by one Court is required to be enforced by another Court as hereinbefore provided, a certified copy of the order or decree so made shall be produced to the proper Officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order or decree having been made, and thereupon such last-mentioned Court shall take such steps in the matter as may be requisite for enforcing such order or decree, in the same manner as if it were the order or decree of the Court enforcing the same.

Appeals from orders

141. Re-hearings of and appeals from any order or decision made or given in the matter of the winding-up of a Company by the Court, may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the same Court in cases within its ordinary jurisdiction; subject to this restriction, that no such re-hearing or appeal shall be heard unless notice of the same is given within three weeks after any order complained of has been made, in manner in which notices of appeal are ordinarily given under the Code of Civil Procedure, unless such time is extended by the Court of Appeal.

Judicial notice to be taken of signature of Officers

142. In all proceedings under this Part of this Act, every Court, Judge and person judicially acting, and all other Officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice of the signature of any Officer of any other Court, and also of the official seal of any other Court when such seal is appended to any document made, issued, or signed under the provisions of this Part of the Act, or any official copy thereof.

Special Commissioners for receiving evidence.

143. The Judges of the District Courts who sit at places more than twenty English miles from the usual place of sitting of the High Court, shall be Commissioners for the purpose of taking evidence under this Act in cases where any Company is wound up in a High Court, and it shall be lawful for the High Court to refer the whole or any part of the examination of any witnesses under this Act to any person hereby appointed Commissioner, although such Commissioner is out of the jurisdiction of the Court that made the order or decree for winding up the Company. Every such Commissioner shall, in addition to any power of summoning and examining witnesses, and requiring the production or delivery of documents and certifying or punishing defaults by witnesses, which he might lawfully exercise as a Judge of a District Court, have, in the matter so referred to him, all the same powers of summoning and examining witnesses and requiring the production or delivery of documents and punishing defaults by witnesses, and allowing costs and charges and expenses to witnesses, as the Court which made the order for winding up the Company has; and the examination so taken shall be returned or reported to such last-mentioned Court in such manner as it directs.

Affidavits, &c., may be sworn in British India, Great Britain or Ireland or abroad before any competent Court or person.

144. If any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Part of this Act, be lawfully sworn or made in British India, or in Great Britain or Ireland, or in any Colony, Island, Plantation or place under the dominion of Her Majesty in foreign parts, before any Court, Judge or person lawfully authorized to take and receive affidavits, affirmations or declarations, or before any of Her Majesty's Consuls or Vice-Consuls in any foreign parts out of Her Majesty's dominions, all Courts, Judges, Justices, Commissioners and persons acting judicially in British India shall take judicial notice of the seal or stamp or signature (as the case may be) of any such Court, Judge, person, Consul or Vice-Consul, attached, appended or subscribed to any such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Part of this Act.

Voluntary Winding-up of Company.

Circumstances under which Company may be wound up voluntarily.

145. A Company under this Act may be wound up voluntarily,

(1.) Whenever the period, if any, fixed for the duration of the Company by the Articles of Association expires, or whenever the event, if any, occurs upon the occurrence of which it is provided by the Articles of Association that the Company is to be dissolved, and the Company in General Meeting has passed a Resolution requiring the Company to be wound up voluntarily:

(2.) Whenever the Company has passed a Special Resolution requiring the Company to be wound up voluntarily:

(3.) Whenever the Company has passed an Extraordinary Resolution to the effect that it has been proved to their satisfaction that the Company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same:

For the purposes of this Act any Resolution shall be deemed to be extraordinary which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a Special Resolution as hereinbefore defined.

Commencement of voluntary winding-up.

146. A voluntary winding-up shall be deemed to commence at the time of the passing of the Resolution authorizing such winding-up.

Effect of voluntary winding-up on status of Company.

147. Whenever a Company is wound up voluntarily, the Company shall, from the date of the commencement of such winding-up, cease to carry on its business except in so far as may be required for the beneficial winding-up thereof; and all transfers of shares except transfers made to or with the sanction of the Liquidators, or alteration in the status of the members of the Company taking place after the commencement of such winding-up shall

be void, but its corporate state and all its corporate powers shall, notwithstanding it is otherwise provided by its regulations, continue until the affairs of the Company are wound up.

Notice of Resolution to wind up voluntarily.

148. Notice of any Special Resolution or Extraordinary Resolution passed for winding up a Company voluntarily shall be given by advertisement in the local Official Gazette and also in some newspaper (if any) circulating in the place where the registered Office of the Company is situate.

Consequences of voluntary winding-up.

149. The following consequences shall ensue upon the voluntary winding-up of a Company:—

(1.) The property of the Company shall be applied in satisfaction of its liabilities *pari passu*, and subject thereto shall, unless it be otherwise provided by the regulations of the Company, be distributed amongst the members according to their rights and interests in the Company:

(2.) Liquidators shall be appointed for the purpose of winding up the affairs of the Company and distributing the property:

(3.) The Company in General Meeting shall appoint such persons or person as it thinks fit to be Liquidators or a Liquidator, and may fix the remuneration to be paid to them or him:

(4.) If one person only is appointed, all the provisions herein contained in reference to several Liquidators shall apply to him:

(5.) Upon the appointment of Liquidators, all the powers of the Directors shall cease, except in so far as the Company in General Meeting or the Liquidators may sanction the continuance of such powers:

(6.) When several Liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or, in default of such determination, by any number not less than two:

(7.) The Liquidators may, without the sanction of the Court, exercise all powers by this Act given to the Official Liquidators.

(8.) The Liquidators may exercise the powers hereinbefore given to the Court of settling the list of contributories of the Company, and any list so settled shall be *primâ facie* evidence of the liability of the persons named therein to be contributories:

(9.) The Liquidators may at any time after the passing of the Resolution for winding up the Company, and before they have ascertained the sufficiency of the assets of the Company, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves, and the Liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same:

(10.) The Liquidators shall pay the debts of the Company, and adjust the rights of the contributories amongst themselves

Effect of winding-up on share-capital of Company limited by guarantee.

150. Where a Company limited by guarantee and having a capital divided into shares is being wound up voluntarily, any share-capital that may not have been called up shall be deemed to be assets of the Company, and to be a debt due from each member to the Company to the extent of any sums that may be unpaid on any shares held by him, and payable at such time as may be appointed by the Liquidators.

Power of Company to delegate authority to appoint Liquidators.

151. A Company about to be wound up voluntarily or in the course of being wound up voluntarily may, by an Extraordinary Resolution, delegate to its creditors, or to any Committee of its creditors, the power of appointing Liquidators or any of them, and supplying any vacancies in the appointment of Liquidators, or may by a like Resolution enter into any arrangement with respect to the powers to be exercised by the Liquidators and the manner in which they are to be exercised. Any act done by the creditors in pursuance of such delegated power shall have the same effect as if it had been done by the Company.

Arrangement when binding on creditors.

152. Any arrangement which a Company about to be wound up voluntarily or in the course of being wound up voluntarily shall have entered into with its creditors, shall be binding on the Company if sanctioned by an Extraordinary Resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors, subject to such right of appeal as is hereinafter mentioned.

Power of creditor or contributory to appeal.

153. Any creditor or contributory of a Company that has in manner aforesaid entered into any arrangement with its creditors may, within three weeks from the date of the completion of such arrangement, appeal to the Court against such arrangement, and the Court may thereupon, as it thinks just, amend, vary or confirm the same.

Power for Liquidators or contributories in voluntary winding-up to apply to Court.

154. Where a Company is being wound up voluntarily, the Liquidators or any contributory of the Company may apply to the Court to determine any question arising in the matter of such winding-up, or to exercise as respects the enforcing of calls or in respect of any other matter all or any of the powers which the Court might exercise if the Company were being wound up by the Court. The Court, if satisfied that the determination of such question or the required exercise of power will be just and beneficial, may accede, wholly or partially, to such application, on such terms and subject to such conditions as the Court thinks fit, or it may make such other order or decree on such application as the Court thinks just.

Power of Liquidators to call General Meeting.

155 Where a Company is being wound up voluntarily, the Liquidators may, from time to time during the continuance of such winding-up, summon General Meetings of the Company for the purpose of obtaining the sanction of the Company by Special Resolution or Extraordinary Resolution or for any other purposes they think fit. In the event of the winding-up continuing for more than one year, the Liquidators shall summon a General Meeting of the Company at the end of the first year and of each succeeding year from the commencement of the winding-up, or as soon thereafter as may be convenient, and shall lay before such meeting an account showing their acts and dealings and the manner in which the winding-up has been conducted during the preceding year.

Power to fill up vacancy in office of Liquidators.

156. If any vacancy occurs in the office of Liquidators appointed by the Company, by death, resignation or otherwise, the Company in General Meeting may, subject to any arrangement they may have entered into with their creditors, fill up such vacancy, and a General Meeting for the purpose of filling up such vacancy may be convened by the continuing Liquidators, if any, or by any contributory of the Company, and shall be deemed to have been duly held if held in manner prescribed by the regulations of the Company, or in such other manner as may, on application by the continuing Liquidator, if any, or by any contributory of the Company, be determined by the Court.

157. If from any cause whatever there is no Liquidator acting in the case of a voluntary winding-up, the Court may, on the application of a contributory, appoint a Liquidator or Liquidators. The Court may also, on due cause shown, remove any Liquidator, and appoint another Liquidator to act in the matter of a voluntary winding-up.

Power of Court to appoint Liquidators.

158. As soon as the affairs of the Company are fully wound up, the Liquidators shall make up an account showing the manner in which such winding-up has been conducted and the property of the Company disposed of; and thereupon they shall call a General Meeting of the Company for the purpose of having the account laid before them, and hearing any explanation that may be given by the Liquidators. The meeting shall be called by advertisement, specifying the time, place and object of such meeting, and such advertisement shall be published one month at least previously to the meeting, in the manner specified in Section 148.

Liquidators on conclusion of winding-up to make up an account.

159. The Liquidators shall make a return to the Registrar of such meeting having been held, and of the date at which the same was held, and on the expiration of three months from the date of the registration of such return, the Company shall be deemed to be dissolved. If the Liquidators make default in making such return to the Registrar, they shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

Liquidators to report meeting to Registrar.

160. All costs, charges and expenses properly incurred in the voluntary winding-up of a Company, including the remuneration of the Liquidators, shall be payable out of the assets of the Company in priority to all other claims.

Costs of voluntary liquidation.

161. The voluntary winding-up of a Company shall not be a bar to the right of any creditor of such Company to have the same wound up by the Court, if the Court is of opinion that the rights of such creditor will be prejudiced by a voluntary winding-up.

Saving of rights of creditors.

162. Where a Company is in course of being wound up voluntarily, and proceedings are taken for the purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an order directing the Company to be wound up by the Court, provide in such order or in any other order for the adoption of all or any of the proceedings taken in the course of the voluntary winding-up.

Power of Court to adopt proceedings of voluntary winding-up.

Winding-up subject to the Supervision of the Court.

163. When a Resolution has been passed by a Company to wind up voluntarily, the Court may make an order directing that the voluntary winding-up should continue, but subject to such supervision of the Court, and with such liberty for creditors, contributories or others to apply to the Court, and generally upon such terms and subject to such conditions, as the Court thinks just.

Power of Court, on application, to direct winding-up subject to supervision.

164. A petition praying wholly or in part that a voluntary winding-up should continue, but subject to the supervision of the Court, and which winding-up is hereinafter referred to as a winding-up subject to the supervision of the Court, shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up the Company by the Court.

Petition for winding-up subject to supervision.

165. The Court may, in determining whether a Company is to be wound up altogether by the Court or subject to the supervision of the Court, in the appointment of a Liquidator or of Liquidators, and in all other matters relating to the winding-up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence, and may direct meetings of the creditors or contributories to be summoned, held and regulated in such manner as the Court directs for the purpose of ascertaining their wishes, and may appoint a person to act as Chairman of any such meeting, and to report the result of such meeting to the Court. In the case of creditors, regard shall be had to the value of the debts due to each creditor, and in the case of contributories to the number of votes conferred on each contributory by the regulations of the Company.

Court may have regard to wishes of creditors.

166. Where any order is made by the Court for a winding-up subject to the supervision of the Court, the Court may, in such order or in any subsequent order, appoint any additional Liquidator or Liquidators. Any Liquidators so appointed by the Court shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if they had been appointed by the Company. The Court may from time to time remove any Liquidators so appointed by the Court, and fill up any vacancy occasioned by such removal, or by death or resignation.

Power to Court to appoint additional Liquidators in winding-up subject to supervision.

167. Where an order is made for a winding-up subject to the supervision of the Court, the Liquidators appointed to conduct such winding-up may, subject to any restrictions imposed by the Court, exercise all their powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily. Save as aforesaid, any order made by the Court for a winding-up subject to the supervision of the Court, shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the Company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the Liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the Company altogether by the Court. In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the Official Liquidators, the expression Official Liquidators shall be deemed to mean the Liquidators conducting the winding-up subject to the supervision of the Court.

Effect of order of Court for winding-up subject to supervision.

168. Where an order has been made for the winding-up of a Company subject to the supervision of the Court, and such order is afterwards superseded by an order directing the Company to be wound up compulsorily, the Court may, in such last-mentioned order or in any subsequent order, appoint the voluntary Liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other persons to be Official Liquidators.

Appointment in certain cases of voluntary Liquidators to office of Official Liquidators.

Supplemental Provisions.

169. Where any Company is being wound up by the Court or subject to the supervision of the Court, all dispositions of the property, effects and things in action of the Company, and every transfer of shares or alteration in the status of the members of the Company, made between the commencement of the winding-up and the order for winding-up, shall, unless the Court otherwise orders, be void.

Dispositions after the commencement of the winding-up avoided.

170. Where any Company is being wound up, all books, accounts and documents of the Company and of the Liquidators shall, as between the contributories of the Com-

The books of the Company to be evidence.

pany, be *primâ facie* evidence of the truth of all matters purporting to be therein recorded.

As to disposal of books, accounts, and documents of the Company.

171. Where any Company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the Company and of the Liquidators may be disposed of in the following way; that is to say, where the Company has been wound up by or subject to the supervision of the Court, in such way as the Court directs, and where the Company has been wound up voluntarily, in such way as the Company by an Extraordinary Resolution directs. But after the lapse of five years from the date of such dissolution, no responsibility shall rest on the Company or the Liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them cannot be made forthcoming to any party or parties claiming to be interested therein.

Inspection of books.

172. Where an order has been made for winding up a Company by the Court or subject to the supervision of the Court, the Court may make such order for the inspection by the creditors and contributories of the Company of its books and papers as the Court thinks just, and any books and papers in the possession of the Company may be inspected by creditors or contributories in conformity with the order of the Court, but not further or otherwise.

General scheme of liquidation may be sanctioned.

173. The Liquidators may, with the sanction of the Court, where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, pay any classes of creditors in full, or make such compromise or other arrangement as the Liquidators may deem expedient with creditors or persons claiming to be creditors, or persons having or alleging themselves to have any claim, present or future, whereby the Company may be rendered liable.

Power to compromise.

174. The Liquidators may, with the sanction of the Court where the Company is being wound up by the Court or subject to the supervision of the Court, and with the sanction of an Extraordinary Resolution of the Company where the Company is being wound up altogether voluntarily, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, whether present or future, subsisting or supposed to subsist, between the Company and any contributory or alleged contributory, or other debtor or person apprehending liability to the Company, and all questions in any way relating to or affecting the assets of the Company or the winding-up of the Company, generally upon such terms as may be agreed upon, with power for the Liquidators to take any security for the discharge of such debts or liabilities, and to give complete discharges in respect of all or any such calls, debts or liabilities.

Power for Liquidators to accept shares, &c., as a consideration for sale of property of Company.

175. Where any Company is proposed to be or is in the course of being wound up altogether voluntarily, and the whole or a portion of its business or property is proposed to be transferred or sold to another Company, the Liquidators of the first mentioned Company may, with the sanction of a Special Resolution of the Company by whom they were appointed, conferring either a general authority on the Liquidators, or an authority in respect of any particular arrangement, receive in compensation or part compensation for such transfer or sale, shares, debentures, policies or other like interests in such other Company, for the purpose of distribution amongst the members of the Company being wound up, or may enter into any other arrangement whereby the members of the Company being wound up may, in lieu of receiving cash, shares, debentures, policies or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing Company; and any sale made or arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the members of the Company being wound up; subject to this proviso that, if any member of the Company being wound up, who has not voted in favour of the Special Resolution passed by the Company of which he is a member at either of the meetings held for passing the same, expresses his dissent from any such Special Resolution in writing addressed to the Liquidators or one of them, and left at the registered Office of the Company not later than seven days after the date of the meeting at which such Special Resolution was passed, such dissentient member may require the Liquidators to do one of the following things as the Liquidators may prefer; that is to say, either to abstain from carrying such Resolution into effect, or to purchase the interest held by such dissentient member at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the Company is dissolved, and to be raised by the Liquidators in such manner as may be determined by Special Resolution. No Special Resolution shall be deemed invalid for the purposes of this Section by reason that it is passed antecedently to or concurrently with any Resolution for winding up the Company, or for appointing Liquidators; but if an order be made within a year for winding up the Company by or subject to the supervision of the Court, such Resolution shall not be of any validity unless it is sanctioned by the Court.

Mode of determining price.

176. The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration under the provisions next hereinafter contained.

Appointment of Arbitrator when questions are to be determined by arbitration.

177. When any dispute so directed to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single Arbitrator, each party, on the request of the other party, shall by writing under his hand nominate and appoint an Arbitrator to whom such dispute shall be referred. After any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation. If for the space of fourteen days after any such dispute shall have arisen, and after a request in writing shall have been served by the one party on the other party to appoint an Arbitrator, such last mentioned party fail to appoint such Arbitrator, then upon such failure the party making the request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both parties, and such Arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single Arbitrator shall be final.

Vacancy of Arbitrator to be supplied.

178. If before the matters so referred shall be determined any Arbitrator appointed by either party die, or become incapable or refuse or for seven days neglect to act as Arbitrator, the party by whom such Arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so substituted as aforesaid shall have the same powers and authorities as were vested in the former Arbitrator at the time of such his death, refusal or disability as aforesaid.

Appointment of Umpire.

179. Where more than one Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an Umpire to decide on any such matters on which they shall differ. If such Umpire shall die, or refuse or for seven days neglect to act, they shall forthwith, after such death, refusal or neglect, appoint another Umpire in his place; and the decision of every such Umpire on the matters so referred to him shall be final.

180. The said Arbitrators or their Umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Power of Arbitrators to call for books, &c.

181. The costs of and attending every such arbitration to be determined by the Arbitrators shall be in the discretion of the Arbitrators or their Umpires, as the case may be.

Costs to be in the discretion of the Arbitrators.

182. On the application of either of the parties the submission to any such arbitration may be filed in the Court, and an order of reference may be made thereon; and the provisions of the Code of Civil Procedure shall, so far as the same are applicable, apply to every such order and to all proceedings thereunder.

Submission to arbitration may be filed in Court.

183. Where any Company is being wound up by the Court or subject to the supervision of the Court, any attachment distress or execution put in force against the estate or effects of the Company after the commencement of the winding-up shall be void.

Certain attachments, distresses and executions to be void.

184. Every conveyance, mortgage, delivery of goods, payment, execution or other act relating to property, which would, if made or done by or against any individual trader, be deemed in the event of his insolvency to have been made or done by way of undue or fraudulent preference of the creditors of such trader, shall, if made or done by or against any Company, be deemed, in the event of such Company being wound up under this Act, to have been made or done by way of undue or fraudulent preference of the creditors of such Company, and shall be invalid accordingly. For the purposes of this Section, the making of an application for winding up a Company shall, in the case of a Company being wound up by the Court or subject to the supervision of the Court, and a Resolution for winding up the Company shall, in the case of a voluntary winding-up, be deemed to correspond with the act of insolvency in the case of an individual trader; and any conveyance or assignment made by any Company formed under this Act, of all its estate and effects to trustees for the benefit of all its creditors, shall be void.

Fraudulent preference.

185. Where in the course of the winding-up of any Company under this Act, it appears that any past or present Director, Manager, Official or other Liquidator, or any Officer of such Company, has misapplied or retained in his own hands or become liable or accountable for any monies of the Company, or been guilty of any misfeasance or breach of trust in relation to the Company, the Court may, on the application of any Liquidator, or of any creditor or contributory of the Company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such Director, Manager or other Officer, and compel him to repay any monies so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the Company by way of compensation in respect of such misapplication, retainer, misfeasance or breach of trust, as the Court thinks just.

Power of Court to assess damages against delinquent Directors and Officers.

186. If any Director, Officer or contributory of any Company wound up under this Act, destroys, mutilates, alters, falsifies or fraudulently secretes any books, papers, writings or securities, or makes or is privy to the making of any false or fraudulent entry in any Register, book of account or other document belonging to the Company with intent to defraud or deceive any person, every person so offending shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term which may extend to two years, and shall also be liable to fine which may extend to five hundred rupees.

Penalty on falsification of books.

187. Where any order is made for winding up a Company by the Court or subject to the supervision of the Court, if it appear in the course of such winding-up that any past or present Director, Manager, Officer or member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding-up or of its own motion, direct the Official Liquidators, or the Liquidators (as the case may be), to institute a prosecution for such offence, and may order the costs and expenses of such prosecution to be paid out of the assets of the Company.

Prosecution of delinquent Directors in the case of winding-up by Court.

188. If any person, upon any examination upon oath or affirmation authorized under this Act, or in any affidavit, deposition or solemn affirmation in or about the winding-up of any Company under this Act, or otherwise in or about any matter arising under this Act, intentionally gives false evidence, he shall, upon conviction, be liable to imprisonment of either description as defined in the Indian Penal Code for a term which may extend to seven years and shall also be liable to fine.

Penalty of false evidence.

Power of High Court to make Rules.

189. The High Court may make such rules concerning the mode of proceeding to be had for winding up a Company in such Court, and in the Courts subordinate thereto, as may from time to time seem necessary and as may be consistent with the other provisions of this Act and with the Code of Civil Procedure. But until such rules are made, the general practice of the Court including the practice hitherto in use in winding up Companies shall, so far as the same is applicable and not inconsistent with this Act, apply to all proceedings for winding up a Company.

Power of High Court to make rules.

PART V.

REGISTRATION OFFICE.

190. The registration of Companies under this Act shall be conducted as follows; (that is to say)—

Constitution of Registration Office.

(1.) The Local Government may, after the sanction of the Governor-General of India in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(2.) The Local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks and servants as aforesaid:

(3.) The Local Government may from time to time determine the places at which Offices for the registration of Companies are to be established, so that there be at all times maintained in each of the three Presidency Towns of Calcutta, Madras and Bombay at least one such Office, and that no Company shall be registered except at an Office within that part of British India in which by the memorandum of association the registered Office of the Company is declared to be established:

(4.) The Local Government may from time to time direct a seal or seals to be prepared for the authentication of any documents required for or connected with the registration of Companies:

(5.) Every person may inspect the documents kept by the Registrar of Joint Stock Companies. There shall be paid for such inspection such fees as may be appointed by the Local Government not exceeding one rupee for each inspection. Any person may require a certificate of the incorporation of any Company, or a copy or extract of any other document or any part of any other document, to be certified by the Registrar. There shall be paid for such certificate of incorporation, certified copy or extract, such fees as the Local Government may appoint, not exceeding three rupees for the certificate of incorporation, and not exceeding two annas for each hundred words of such copy or extract:

(6.) The existing Registrar, Assistant Registrars, Clerks and other Officers and servants in the Office for the Registration of Joint Stock Companies shall, during the pleasure of the Local Government hold the offices and receive the salaries hitherto held and received by them, but they shall in the execution of their duties conform to any regulations that may be issued by the Local Government:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk or servant that may hereafter be employed in the registration of Joint Stock Companies, such salary as the Local Government may, with the sanction of the Governor-General of India in Council, direct:

(8.) Whenever any act is herein directed to be done to or by the Registrar of Joint Stock Companies, such act shall, until the Local Government otherwise directs, be done to or by the existing Registrar of Joint Stock Companies, or in his absence to or by such person as the Local Government may for the time being authorize. But in the event of the Local Government altering the constitution of the existing Registry Office, such act shall be done to or by such Officer or Officers and at such place or places with reference to the local situation of the registered Offices of the Companies to be registered as the Local Government may appoint.

PART VI.

APPLICATION OF ACT TO COMPANIES REGISTERED UNDER THE JOINT STOCK COMPANIES' ACTS.

Application of Act to Companies formed under Act XIX of 1857 or VII of 1860.

191. Subject as hereinafter mentioned, this Act, with the exception of Table A in the first Schedule, shall apply to Companies formed and registered under Act No. XIX of 1857 and Act No. VII of 1860 or either of them, in the same manner in the case of a Limited Company as if such Company had been formed and registered under this Act as a Company limited by shares; and in the case of a Company other than a Limited Company, as if such Company had been formed and registered as an Unlimited Company under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them, and the power of altering regulations by Special Resolution given by this Act shall, in the case of any Company formed and registered under the said Acts or either of them, extend to altering any provisions contained in the Table marked B annexed to Act No. XIX of 1857, and shall also, in the case of an Unlimited Company formed and registered as last aforesaid, extend to altering any regulations relating to the amount of capital or its distribution into shares, notwithstanding such regulations are contained in the memorandum of association.

Application of Act to Companies registered under Act XIX of 1857 or VII of 1860.

192. This Act shall apply to Companies registered but not formed under the said Acts or either of them, in the same manner as it is hereinafter declared to apply to Companies registered but not formed under this Act, with this qualification, that wherever reference is made expressly or impliedly to the date of registration, such date shall be deemed to refer to the date at which such Companies were respectively registered under the said Acts or either of them.

Mode of transferring shares.

193. Any Company registered under the said Acts or either of them may cause its shares to be transferred in manner hitherto in use, or in such other manner as the Company may direct.

PART VII.

COMPANIES AUTHORIZED TO REGISTER UNDER THIS ACT.

Companies capable of being registered.

194. With the exceptions made in the next following Section and subject to the regulations therein contained, every Company existing at the time of the commencement of this Act, including any Company registered under either of the said Acts, consisting of seven or more members, and any Company hereafter formed in pursuance of any Act of Parliament, or Act of the Governor-General of India in Council other than this Act, or of Letters Patent, or being otherwise duly constituted by law, and consisting of seven or more members, may at any time hereafter register itself under this Act as an Unlimited Company, or a Company limited by shares, or a Company limited by guarantee, and no such registration shall be invalid by reason that it has taken place with a view to the Company being wound up.

Regulations as to registration of existing Companies.

195. The following regulations shall be observed with respect to the registration of Companies under this Part of this Act: (that is to say)—

(1.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council other than this Act, or by Letters Patent, and not being a Joint Stock Company as hereinafter defined, shall register under this Act in pursuance of this Part thereof:

(2.) No Company having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council other than this Act, or by Letters Patent, shall register under this Act in pursuance of this Part thereof as an Unlimited Company, or as a Company limited by guarantee:

(3.) No Life Assurance Company existing at the time of the commencement of this Act, and no Company that is not a Joint Stock Company as hereinafter defined, shall in pursuance of this Part of this Act register under this Act as a Company limited by shares:

(4.) No Company shall register under this Act in pursuance of this Part thereof unless an assent to its so registering is given by a majority of such of its members as may be present, personally or by proxy in cases where proxies are allowed by the regulations of the Company, at some General Meeting summoned for the purpose:

(5.) Where a Company not having the liability of its members limited by Act of Parliament or Act of the Governor-General of India in Council, or by Letters Patent, is about to register as a Limited Company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present, personally or by proxy, at such last-mentioned General Meeting:

(6.) Where a Company is about to register as a Company limited by guarantee, the assent to its being so registered shall be accompanied by a Resolution declaring that each member undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceased to be a member, and of the costs, charges and expenses of winding up the Company, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding a specified amount.

In computing any majority under this Section, when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the regulations of the Company of which he is a member.

196. For the purposes of this Part of this Act so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid-up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons: and such Company when registered with limited liability under this Act shall be deemed to be a Company limited by shares.

Definition of Joint Stock Company

197. Previously to the registration, in pursuance of this Part of this Act, of any Joint Stock Company, there shall be delivered to the Registrar the following documents: (that is to say),

Requisitions for registration by Companies.

(1.) A list showing the names, addresses and occupations of all persons who, on a day named in such list and not being more than six clear days before the day of registration, were members of such Company, with the addition of the shares held by such persons respectively, distinguishing, in cases where such shares are numbered, each share by its number:

(2.) A copy of any Act of Parliament or Act of the Governor-General of India in Council, Royal Charter, Letters Patent, Deed of Settlement, Contract of Copartnery or other instrument constituting or regulating the Company:

(3.) If any such Joint Stock Company is intended to be registered as a Limited Company, the above list and copy shall be accompanied by a statement specifying the following particulars; (that is to say)—

The nominal capital of the Company and the number of shares into which it is divided:

The number of shares taken and the amount paid on each share:

The name of the Company, with the addition of the word "Limited" as the last word thereof:

With the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the Resolution declaring the amount of the guarantee.

198. Previously to the registration in pursuance of this Part of this Act of any Company not being a Joint Stock Company, there shall be delivered to the Registrar a list showing the names, addresses and occupations of the Directors or other Managers (if any) of the Company, also a copy of any Act of Parliament, Act of the Governor-General of India in Council, Letters Patent, Deed of Settlement, Contract of Copartnery or other instrument constituting or regulating the Company, with the addition, in the case of a Company intended to be registered as a Company limited by guarantee, of the Resolution declaring the amount of guarantee.

Requisitions for registration by existing Company not being a Joint Stock Company.

199. Where a Joint Stock Company authorized to register under this Act has had the whole or any portion of its capital converted into stock, such Company shall, as to the capital so converted, instead of delivering to the Registrar a statement of shares, deliver to the Registrar a statement of the amount of stock belonging to the Company, and the names of the persons who were holders of such stock, on some day to be named in the statement not more than six clear days before the day of registration.

Power for existing Company to register amount of stock instead of shares.

200. The lists of members and Directors and any other particulars relating to the Company hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same or any two of them, or of any two other principal Officers of the Company made before a Justice of the Peace or a District Judge.

Authentication of statements of existing Companies.

201. The Registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether an existing Company is or not a Joint Stock Company as hereinbefore defined.

Registrar may require evidence as to nature of Company.

202. Every Banking Company existing at the date of the passing of this Act which registers itself as a Limited Company shall, at least thirty days previous to obtaining a certificate of registration with limited liability, give notice that it is intended so to register the same to every person and partnership firm having a banking account with the Company. Such notice shall be given either by delivering the same to such person or firm, or leaving the same, or putting the same into the Post addressed to him or them, at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company. In case the Company omits to give any such notice as is hereinbefore required to be given, then, as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

On registration of Banking Company with limited liability, notice to be given to customers.

203. No fees shall be charged in respect of the registration in pursuance of this Part of this Act of any Company in cases where such Company is not registered as a Limited Company, or where, previously to its being registered as a Limited Company, the liability of the shareholders was limited by some Act of Parliament, or Act of the Governor-General of India in Council, or by Letters Patent.

Exemption of certain Companies from payment of fees.

204. Any Company authorized by this Part of this Act to register with limited liability shall, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "Limited."

Company to change name.

205. Upon compliance with the requisitions in this Part of this Act contained with respect to registration, and on payment of such fees, if any, as are payable under the Tables marked B and C in the first Schedule hereto, the Registrar shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated, and shall have perpetual succession and a common seal.

Certificate of registration of existing Companies.

206. A certificate of incorporation given at any time to any Company registered in pursuance of this Part of this Act shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with, and that the Company is authorized to be registered under this Act as a Limited or Unlimited Company, as the case may be, and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the Company is incorporated under this Act.

Certificate to be evidence of compliance with Act.

207. All such property, moveable and immoveable, including all interests and rights in, to, and out of property, moveable and immoveable, and including obligations and things in action, as may belong to or be vested in

Transfer of property to Company.

the Company at the date of its registration under this Act, shall, on registration, pass to and vest in the Company as incorporated under this Act for all the estate and interest of the Company therein.

Registration under this Act not to affect obligations incurred previously to registration.

208. The registration in pursuance of this Part of this Act of any Company shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with or on behalf of such Company previously to such registration.

Continuation of existing suits

209. All such suits and other legal proceedings as may at the time of the registration of any Company registered in pursuance of this Part of this Act have been commenced by or against such Company, or the public Officer or any member thereof, may be continued in the same manner as if such registration had not taken place. Nevertheless, execution shall not issue against the effects of any individual member of such Company upon any decree or order obtained in any suit or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such decree or order, an order may be obtained for winding up the Company.

Effect of registration under Act.

210. When a Company is registered under this Act in pursuance of this Part thereof, all provisions contained in any Act of Parliament, Act of the Governor-General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company, including, in the case of a Company registered as a Company limited by guarantee, the Resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the Company, in the same manner and with the same incidents as if they were contained in a registered memorandum of association and Articles of Association; and all the provisions of this Act shall apply to such Company and the members, contributories and creditors thereof, in the same manner in all respects as if it had been formed under this Act, subject to the provisions following; (that is to say),

(1.) That Table A in the first Schedule to this Act shall not, unless adopted by Special Resolution, apply to any Company registered under this Act in pursuance of this Part thereof:

(2.) That the provisions of this Act relating to the numbering of shares shall not apply to any Joint Stock Company whose shares are not numbered:

(3.) That no Company shall have power to alter any provision contained in any Act of Parliament, Act of the Legislative Council or Act of the Governor-General of India in Council relating to the Company:

(4.) That no Company shall have power, without the sanction of the Governor General of India in Council, to alter any provision contained in any Letters Patent relating to the Company:

(5.) In the event of the Company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the Company contracted prior to registration, who is liable to pay or contribute to the payment of any debt or liability of the Company contracted prior to registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company, so far as relates to such debts or liabilities as aforesaid. Every such contributory shall be liable to contribute to the assets of the Company, in the course of the winding-up, all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any such contributory as last aforesaid, or marriage of any such contributory being a female, the provisions hereinbefore contained with respect to the representatives, heirs and devisees of deceased contributories, and with reference to the assignees of insolvent contributories, and to the husbands of married contributories, shall apply.

(6.) Nothing herein contained shall authorize any Company to alter any such provisions contained in any Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company, as would, if such Company had originally been formed under this Act, have been contained in the memorandum of association, and are not authorized to be altered by this Act:

But nothing herein contained shall derogate from any power of altering its constitution or regulations which may be vested in any Company registering under this Act in pursuance of this Part thereof by virtue of any Act of Parliament, Act of the Governor-General of India in Council, Deed of Settlement, Contract of Copartnery, Letters Patent or other instrument constituting or regulating the Company.

Powers of Court to restrain further proceedings.

211. The Court may, at any time after the presentation of a petition for winding up a Company registered in pursuance of this Part of this Act, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or legal proceeding against any contributory of the Company as well as against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Order for winding up Company.

212. Where an order has been made for winding up a Company registered in pursuance of this Part of the Act, in addition to the provisions hereinbefore contained, it is hereby further provided that no suit or other legal proceeding shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

PART VIII.

APPLICATION OF ACT TO UNREGISTERED COMPANIES

Winding up of unregistered Companies.

213. Subject as hereinafter mentioned any partnership, association or Company, except Railway Companies incorporated by Act of Parliament or Act of the Governor-General of India in Council, consisting of more than seven members and not registered under this Act, and hereinafter included under the term Unregistered Company, may be wound up under this Act, and all the provisions of this Act with respect to winding up shall apply to such Company, with the following exceptions and additions:—

(1.) An Unregistered Company shall, for the purpose of determining the Court having jurisdiction in the matter of the winding-up, be deemed to be registered in that part of British India where its principal place of business is situate; or if it has a principal place of business situate in more than one part of British India, then in each part of British India where it has a principal place of business. Moreover, the principal place of business of an Unregistered Company, or (where it has a principal place of business situate in more than one part of British India) such one of its principal places of business as is situate in that part of British India in which proceedings are being instituted, shall, for all the purposes of the winding-up of such Company, be deemed to be the registered Office of the Company:

(2.) No Unregistered Company shall be wound up under this Act voluntarily, or subject to the supervision of the Court:

(3.) The circumstances under which an Unregistered Company may be wound up are as follows; (that is to say):—

(a.) Whenever the Company is dissolved or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;

(*b.*) Whenever the Company is unable to pay its debts;

(*c.*) Whenever the Court is of opinion that it is just and equitable that the Company should be wound up:

(4.) An Unregistered Company shall, for the purposes of this Act, be deemed to be unable to pay its debts,

(*a.*) Whenever a creditor to whom the Company is indebted, by assignment or otherwise, in a sum exceeding five hundred rupees then due, has served on the Company, by leaving the same at the principal place of business of the Company or by delivering to the Secretary or some Director or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, a demand under his hand requiring the Company to pay the sum so due, and the Company has for the space of three weeks succeeding the service of such demand neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor;

(*b.*) Whenever any suit or other proceeding has been instituted against any member of the Company for any debt or demand due or claimed to be due from the Company, or from him in his character of member of the Company, and, notice in writing of the institution of such suit or other legal proceeding having been served upon the Company by leaving the same at the principal place of business of the Company, or by delivering it to the Secretary, or some Director, Manager or principal Officer of the Company, or by otherwise serving the same in such manner as the Court may approve or direct, the Company has not within ten days after service of such notice paid, secured or compounded for such debt or demand, or procured such suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against such suit or other legal proceeding, and against all costs, damages and expenses to be incurred by him by reason of the same:

(*c.*) Whenever execution or other process, issued on a decree or order obtained in any Court in favour of any creditor in any proceeding instituted by such creditor against the Company, or any member thereof as such, or against any person authorized to be sued as nominal defendant on behalf of the Company, is returned unsatisfied:

(*d.*) Whenever it is otherwise proved to the satisfaction of the Court that the Company is unable to pay its debts.

Who to be deemed a contributory in the event of Company being wound up.

214. In the event of an Unregistered Company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the Company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members amongst themselves, or to pay or contribute to the payment of the costs, charges and expenses of winding up the Company. Every such contributory shall be liable to contribute to the assets of the Company in the course of the winding-up all sums due from him in respect of any such liability as aforesaid. In the event of the death or insolvency of any contributory, the provisions hereinbefore contained with respect to the personal representatives, heirs and devisees of a deceased contributory, and to the assignees of an insolvent contributory, shall apply.

Power of Court to restrain further proceedings.

215. The Court may, at any time after the making of an application for winding up an Unregistered Company, and before making an order for winding up the Company, upon the application of any creditor of the Company, restrain further proceedings in any suit or proceeding against any contributory of the Company, or against the Company as hereinbefore provided, upon such terms as the Court thinks fit.

Effect of order for winding up Company.

216. Where an order has been made for winding up an Unregistered Company, in addition to the provisions hereinbefore contained in the case of Companies formed under this Act, it is hereby further provided that no suit shall be commenced or proceeded with against any contributory of the Company in respect of any debt of the Company, except with the leave of the Court and subject to such terms as the Court may impose.

Provision in case of Unregistered Company.

217. If any Unregistered Company has no power to sue and be sued in a common name, or if, for any reason, it appears expedient, the Court may, by the order made for winding up such Company or by any subsequent order, direct that all such property, moveable and immoveable, including all interests, claims and rights into and out of property, moveable and immoveable, and including things in action, as may belong to or be vested in the Company, or to or in any person or persons on trust for or on behalf of the Company or any part of such property, is to vest in the Official Liquidator or Official Liquidators by his or their official name or names, and thereupon the same or such part thereof as may be specified in the order shall vest accordingly, and the Official Liquidator or Official Liquidators may, in his or their official name or names, or in such name or names and after giving such indemnity as the Court directs, bring or defend any suits or other legal proceedings relating to any property vested in him or them, or any suits or other legal proceedings necessary to be brought or defended for the purposes of effectually winding up the Company and recovering the property thereof.

Provisions of this Part of Act cumulative.

218. The provisions made by this Part of the Act with respect to Unregistered Companies shall be deemed to be made in addition to and not in restriction of any provisions hereinbefore contained with respect to winding up Companies by the Court. The Court or Official Liquidator may, in addition to any thing contained in this Part of the Act, exercise any powers or do any act in the case of Unregistered Companies which might be exercised or done by it or him in winding up Companies formed under this Act; but an Unregistered Company shall not, except in the event of its being wound up, be deemed to be a Company under this Act, and then only to the extent provided by this Part of this Act.

PART IX.

Repeal of Acts and Miscellaneous Provisions.

Repeal of Acts.

219. After the commencement of this Act, there shall be repealed the several Acts specified in the third Schedule hereto.

Saving Clause as to repeal.

220. No repeal hereby enacted shall affect—

(1.) Any thing duly done under any Acts hereby repealed:

(2.) The incorporation of any Company registered under any Act hereby repealed:

(3.) Any right or privilege acquired or liability incurred under any Act hereby repealed:

(4.) Any penalty, forfeiture or other punishment incurred in respect of any offence against any Act hereby repealed:

(5.) Table B in the Schedule annexed to Act No. XIX of 1857 or any part thereof, so far as the same applies to any Company existing at the time of the commencement of this Act.

Saving of existing proceedings for winding up.

221. Where previously to the commencement of this Act an order has been made for winding up a Company under any Acts or Act hereby repealed, or a Resolution has been passed for winding up a Company voluntarily

such Company shall be wound up in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such winding-up, such repealed Acts or Act shall be deemed to remain in full force.

Saving of Conveyance Deeds.

222. Where previously to the commencement of this Act any conveyance, mortgage or other deed has been made in pursuance of any Act hereby repealed, such deed shall be of the same force as if this Act had not passed, and for the purposes of such deed, such repealed Act shall be deemed to remain in full force.

Compulsory registration of certain Companies.

223. Every Company required by any Act hereby repealed to register under the said Acts, or either of them, and which has not so registered, shall, on or before the expiration of the thirty-first day from the commencement of this Act, register itself as a Company under this Act, in manner and subject to the regulations hereinbefore contained. No fees shall be charged in respect of the registration of any Company required to register by this Section.

Penalty on Company not registering.

224. If any Company required by the last Section to register under this Act makes default in complying with the provisions thereof, then, from and after the day upon which such Company is required to register under this Act, until the day on which such Company is registered under this Act (which it is empowered to do at any time), the following consequences shall ensue, (that is to say)—

(1.) The Company shall be incapable of suing but shall not be incapable of being made a defendant to a suit.

(2.) No dividend shall be payable to any shareholder in such Company.

(3.) Each Director or Manager of the Company shall, for each day during which the Company so being in default carries on business, incur a penalty not exceeding one hundred rupees, and such penalty may be recovered by any person, whether a shareholder or not in the Company, and be applied by him to his own use.

Nevertheless, such default shall not render the Company so being in default illegal, nor subject it to any penalty or disability other than as specified in this Section, and registration under this Act shall cancel any penalty or forfeiture, and put an end to any disability which any Company may have incurred by reason of its not having registered under the said Act No. XIX of 1857.

Cognizance of offences under this Act.

225. All offences under this Act may be tried by any Officer exercising the powers of a Magistrate, unless the period of imprisonment to which the offender is liable shall exceed that which such Officer is competent to award under the law for the time being in force in the place in which he is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Officer, the offender shall be committed for trial before the Court of Session.

Punishment of offences under this Act, committed within local limits of High Court.

226. If any offence which by this Act is declared to be punishable by any penalty shall be committed by any person within the local limits of the ordinary original Civil jurisdiction of the High Court, such offence shall be punishable upon summary conviction by any Magistrate of Police of the place at which such Court is held.

Levy of penalties by distress.

227. All penalties imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the offender's moveable property by warrant under the hand of the Officer imposing the penalty.

Procedure until return is made to distress warrant.

228. In case any such penalty shall not be forthwith paid, such Officer may order the offender to be arrested and kept in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress

Imprisonment if no sufficient distress.

229. If upon the return of the warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the offender or otherwise, that he has not sufficient moveable property whereupon such penalty could be levied if a warrant of distress were issued, any such Officer may, by warrant under his hand, commit the offender to prison, for any term not exceeding two months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount of penalty.

Construction of "Registrar of Joint Stock Companies" in Act No. XXI of 1860.

230. In Sections 1 and 18 of Act No. XXI of 1860 *(for the registration of Literary, Scientific and Charitable Societies)*, the words "Registrar of Joint Stock Companies" shall be construed to mean Registrar of Joint Stock Companies under this Act or any Act for the time being in force.

Act not to apply to Banks of Bengal, Madras or Bombay.

231. Save as provided in Section 125, nothing in this Act shall be deemed to apply to the Bank of Bengal, the Bank of Madras and the Bank of Bombay.

FIRST SCHEDULE.

TABLE A.

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

(1.) If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

(2.) Every member shall, on payment of eight annas or such less sum as the Company in General Meeting may prescribe, be entitled to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

(3.) If such certificate is worn out or lost, it may be renewed, on payment of eight annas or such less sum as the Company in General Meeting may prescribe.

Calls on Shares.

(4.) The Directors may from time to time make such calls upon the members in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call; and each member shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Directors.

(5.) A call shall be deemed to have been made at the time when the Resolution of the Directors authorizing such call was passed.

(6.) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof, the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7.) The Directors may, if they think fit, receive from any member willing to advance the same all or any part of the monies due upon the shares held by him beyond the sums actually called for; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the member paying such sum in advance and the Directors agree upon.

Transfers of Shares.

(8.) The instrument of transfer of any share in the Company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the Register Book in respect thereof.

(9.) Shares in the Company shall be transferred in the following form:—

I, A B, of in consideration of the sum of rupees paid to me by C D of do hereby transfer to the said C D the share (or shares) numbered standing in my name in the books of the Company, to hold unto the said C D his executors, administrators and assigns, subject to the several conditions on which I held the same at the time of the execution hereof; and I, the said C D, do hereby agree to take the said share (or shares) subject to the same conditions. As witness our hands, the day of

(10.) The Company may decline to register any transfer of shares made by a member who is indebted to them.

(11.) The transfer books shall be closed during the fourteen days immediately preceding the Ordinary General Meeting in each year.

Transmission of Shares.

(12.) The executors or administrators of a deceased member shall be the only persons recognized by the Company as having any title to his share.

(13.) Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member upon such evidence being produced as may from time to time be required by the Company.

(14.) Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person to be named by him registered as a transferee of such share.

(15.) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16.) The instrument of transfer shall be presented to the Company, together with such evidence as the Directors may require to prove the title of the transferee, and thereupon the Company shall register the transferee as a member.

Forfeiture of Shares.

(17.) If any member fails to pay any call on the day appointed for payment thereof, the Directors may, at any time thereafter, during such time as the call remains unpaid, serve a notice on him requiring him to pay such call, together with interest and any expenses that may have accrued by reason of such non-payment.

(18.) The notice shall name a further day on or before which such call and all interest and expenses that have accrued by reason of such non-payment are to be paid. It shall also name the place where payment is to be made, the place so named being either the registered Office of the Company or some other place at which calls of the Company are usually made payable. The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which such call was made will be liable to be forfeited.

(19.) If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may at any time thereafter before payment of all calls, interest and expenses due in respect thereof has been made, be forfeited by a Resolution of the Directors to that effect.

(20.) Any share so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company in General Meeting thinks fit.

(21.) Any member whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

(22.) A solemn declaration in writing, made before a Magistrate, that the call in respect of a share was made and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was made by a Resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share, and such declaration and the receipt of the Company for the price of such share shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to a purchaser, and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase, and he shall not be bound to see to the application of the purchase-money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23.) The Directors may, with the sanction of the Company previously given in General Meeting, convert any paid-up shares into stock.

(24.) When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein or any part of such interests, in the same manner and subject to the same regulations as and subject to which any shares in the capital of the Company may be transferred, or as near thereto as circumstances admit.

(25.) The several holders of stock shall be entitled to participate in the dividends and profits of the Company according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the Company and for other purposes, as would have been conferred by shares of equal amount in the capital of the Company; but so that none of such privileges or advantages, except the participation in the dividends and profits of the Company, shall be conferred by any such aliquot part of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages.

Increase in Capital.

(26.) The Directors may, with the sanction of a Special Resolution of the Company previously given in General Meeting, increase its capital by the issue of new shares, such aggregate increase to be of such amount, and to be divided into shares of such respective amounts, as the Company in General Meeting directs, or, if no direction is given, as the Directors think expedient.

(27.) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

(28.) Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls, and the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

General Meetings.

(29.) The first General Meeting shall be held at such time, not being more than six months after the registration of the Company, and at such place, as the Directors may determine.

(30.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year, at such place as may be determined by the Directors.

(31.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(32.) The Directors may, whenever they think fit, and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the Company, convene an Extraordinary General Meeting.

(33.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(34.) Upon the receipt of such requisition the Directors shall forthwith proceed to convene an Extraordinary General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other members amounting to the required number, may themselves convene an Extraordinary General Meeting.

Proceedings at General Meetings.

(35.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any General Meeting.

(36.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of sanctioning a dividend, and the consideration of the accounts, balance-sheets and the ordinary report of the Directors.

(37.) No business shall be transacted at any General Meeting, except the declaration of a dividend, unless a quorum of members is present at the time when the meeting proceeds to business. Such quorum shall be ascertained as follows: that is to-say, if the persons who have taken shares in the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed twenty.

(38.) If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week, at the same time and place; and if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die.*

(39.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every General Meeting of the Company.

(40.) If there is no such Chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the members present shall choose some one of their number to be Chairman.

(41.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42.) At any General Meeting, unless a poll is demanded by at least five members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such Resolution.

(43.) If a poll is demanded by five or more members, it shall be taken in such manner as the Chairman directs, and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting. In the case of an equality of votes at any General Meeting the Chairman shall be entitled to a second or casting vote.

Votes of Members.

(44.) Every member shall have one vote for every share up to ten. He shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares beyond the first hundred shares.

(45.) If any member is a lunatic or idiot, he may vote by his Committee or other legal Curator; and if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(46.) If one or more persons are jointly entitled to a share or shares, the member whose name stands first in the Register of Members as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

(47.) No member shall be entitled to vote at any General Meeting unless all calls due from him have been paid, and no member shall be entitled to vote in respect of any share that he has acquired by transfer, at any meeting held after the expiration of three months from the registration of the Company, unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48.) Votes may be given either personally or by proxy.

(49.) The instrument appointing a proxy shall be in writing, under the hand of the appointer, or if such appointer is a corporation, under their common seal, and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a member of the Company.

(50.) The instrument appointing a proxy shall be deposited at the registered Office of the Company not less than seventy-two hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51.) Any instrument appointing a proxy shall be in the following form:—

Company Limited.

I of being a member of the Company Limited, and entitled to vote or votes, hereby appoint of as my proxy, to vote for me and on my behalf at the (Ordinary or Extraordinary, as the case may be) General Meeting of the Company to be held on the day of , and at any adjournment thereof (or, at any meeting of the Company that may be held in the year). As witness my hand, this day of

Signed by the said in the presence of

Directors.

(52.) The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the memorandum of association.

(53.) Until Directors are appointed, the subscribers of the memorandum of association shall be deemed to be Directors.

(54.) The future remuneration of the Directors, and their remuneration for services performed previously to the first General Meeting, shall be determined by the Company in General Meeting.

Powers of Directors.

(55.) The business of the Company shall be managed by the Directors, who may pay all expenses incurred in getting up and registering the Company, and may exercise

all such powers of the Company as are not by the foregoing Act, or by these Articles, required to be exercised by the Company in General Meeting, subject nevertheless to any regulations of these Articles, to the provisions of the foregoing Act, and to such regulations, being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

(56.) The continuing Directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57.) The office of Director shall be vacated—

If he holds any other office or place of profit under the Company;

If he becomes bankrupt or insolvent;

If he is concerned in or participates in the profits of any contract with the Company;

But the above rules shall be subject to the following exceptions: That no Director shall vacate his office by reason of his being a member of any Company which has entered into contracts with or done any work for the Company of which he is Director; nevertheless he shall not vote in respect of such contract or work; and if he does so vote his vote shall not be counted.

Rotation of Directors.

(58.) At the first Ordinary Meeting after the registration of the Company, the whole of the Directors shall retire from office; and at the first Ordinary Meeting in every subsequent year, one-third of the Directors for the time being, or, if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

(59.) The one-third or other nearest number to retire during the first and second years ensuing the first Ordinary Meeting of the Company shall, unless the Directors agree among themselves, be determined by ballot. In every subsequent year, the one-third or other nearest number who have been longest in office shall retire.

(60.) A retiring Director shall be re-eligible.

(61.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62.) If at any meeting at which an election of Directors ought to take place the places of the vacating Directors are not filled up, the meeting shall stand adjourned till the same day in the next week, at the same time and place; and if at such adjourned meeting the places of the vacating Directors are not filled up, the vacating Directors, or such of them as have not had their places filled up, shall continue in office until the Ordinary Meeting in the next year, and so on from time to time until their places are filled up.

(63.) The Company may from time to time, in General Meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

(64.) Any casual vacancy occurring in the Board of Directors may be filled up by the Directors, but any person so chosen shall retain his office so long only as the vacating Director would have retained the same if no vacancy had occurred.

(65.) The Company in General Meeting may, by a Special Resolution, remove any Director before the expiration of his period of office, and may by an Ordinary Resolution appoint another person in his stead. The person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66.) The Directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the Chairman shall have a second or casting vote. A Director may at any time summon a meeting of the Directors.

(67.) The Directors may elect a Chairman of their meetings, and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

(68.) The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit. Any Committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the Directors.

(69.) A Committee may elect a Chairman of its meetings. If no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

(70.) A Committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present; and in case of an equality of votes the Chairman shall have a second or casting vote.

(71.) All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

Dividends.

(72.) The Directors may, with the sanction of the Company in General Meeting, declare a dividend to be paid to the members in proportion to their shares.

(73.) No dividend shall be payable except out of the profits arising from the business of the Company.

(74.) The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they may select.

(75.) The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company on account of calls or otherwise.

(76.) Notice of any dividend that may have been declared shall be given to each member in manner hereinafter mentioned; and all dividends unclaimed for three years after having been declared, may be forfeited by the Directors for the benefit of the Company.

(77.) No dividend shall bear interest as against the Company.

Accounts.

(78.) The Directors shall cause true accounts to be kept,

Of the stock in trade of the Company;

Of the sums of money received and expended by the Company, and the matters in respect of which such receipt and expenditure take place; and

Of the credits and liabilities of the Company.

The books of account shall be kept at the registered Office of the Company, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the inspection of the members during the hours of business.

(79.) Once at the least in every year the Directors shall lay before the Company in General Meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

(80.) The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81.) A balance-sheet shall be made out in every year and laid before the Company in General Meeting, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to this Table, or as near thereto as circumstances admit.

(82.) A printed copy of such balance-sheet shall, seven days previously to such meeting, be served on every member in the manner in which notices are hereinafter directed to be served.

Audit.

(83.) Once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more auditor or auditors.

(84.) The first auditors shall be appointed by the Directors; subsequent auditors shall be appointed by the Company in General Meeting.

(85.) If one auditor only is appointed, all the provisions herein contained relating to auditors shall apply to him.

(86.) The auditors may be members of the Company; but no person is eligible as an auditor who is interested otherwise than as a member in any transaction of the Company; and no Director or other Officer of the Company is eligible during his continuance in office.

(87.) The election of auditors shall be made by the Company at their ordinary meeting in each year.

(88.) The remuneration of the first auditors shall be fixed by the Directors; that of subsequent auditors shall be fixed by the Company in General Meeting.

(89.) Any auditor shall be re-eligible on his quitting office.

(90.) If any casual vacancy occurs in the office of any auditor appointed by the Company, the Directors shall forthwith call an Extraordinary General Meeting for the purpose of supplying the same.

(91.) If no election of auditors is made in manner aforesaid, the Local Government may, on the applicaton of not less than five members of the Company, appoint an auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

(92.) Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

(93.) Every auditor shall have a list delivered to him of all books kept by the Company, and shall at all reasonable times have access to the books and accounts of the Company. He may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts examine the Directors or any other Officer of the Company.

(94.) The auditors shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have or has been given by the Directors, and whether they or it have or has been satisfactory. Such report shall be read, together with the report of the Directors, at the Ordinary Meeting.

Notices.

(95.) A notice may be served by the Company upon any member either personally or by sending it through the Post in a letter addressed to such member at his registered place of abode.

(96.) All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is named first in the Register of Members; and notice so given shall be sufficient notice to all the holders of such share.

(97.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the Post Office.

Dr. *Balance-sheet (a) of the* *Company made up to* 18 **Cr.**

		Capital and Liabilities.					Property and Assets.			
		Showing:	Rs.	As.			Showing:	Rs.	As.
I. Capital.	1	The number of share			III. Property held by the Company.	7	Immoveable property. Distinguishing— (a) Freehold land ... ... (b) " Buildings ... ... (c) Leasehold "		
	2	The amount paid for shares				8	Moveable property. Distinguishing— (d) Stock in Trade ... ... (e) Plant ... ... The cost to be stated with deductions for deterioration in value as charged to the reserve fund of profit and loss ...		
	3	If any arrears of calls, the nature of the arrear, and the names of the defaulters ...							
	4	The particulars of any forfeited shares ...							
II. Debts and Liabilities of the Company.		Showing:			IV. Debts owing to the Company.		Showing:		
	5	The amount of loans on mortgages or debenture bonds				9	Debts considered good for which the Company hold bills or other securities ...		
	6	The amount of debts owing by the Company, distinguishing ... (a) Debts for which acceptances have been given ... ... (b) Debts to tradesmen for supplies of stock in trade or other articles ... (c) Debts for law expenses ... (d) Debts for interest on debentures or other loans ... ... (e) Unclaimed dividends ... ... (f) Debts not enumerated above ...				10	Debts considered good for which the Company hold no security		
						11	Debts considered doubtful and bad, any debt due from a Director or other Officer of the Company to be separately stated ...		
VI. Reserve Fund.		Showing: The amount set aside from profits to meet contingencies.			V. Cash and Investments.		Showing:		
						12	The nature of investment and rate of interest		
VII. Profit and Loss.		Showing: The disposable balance for payment of dividends, &c.				13	The amount of cash, where lodged, and if bearing interest		
Contingent liabilities.		Claims against the Company not acknowledged as debts ... ... Monies for which the Company is contingently liable							

(a) See Clauses 81 and 82 of the foregoing Table A.

TABLE B.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose nominal capital does not exceed Rs. 20,000, a fee of ...	40	0	0
For registration of a Company whose nominal capital exceeds Rs. 20,000 the above fee of forty rupees, with the following additional fees regulated according to the amount of nominal capital; (that is to say)—			
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 20,000 rupees up to 50,000 rupees	20	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 50,000 rupees up to 1,000,000	5	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees after the first 1,000,000 rupees	1	0	0
For registration of any increase of capital made after the first registration of the Company, the same fees per 10,000 rupees or part of 10,000 rupees as would have been payable if such increased capital had formed part of the original capital at the time of registration.			
Provided that no Company shall be liable to pay in respect of nominal capital on registration, or afterwards, any greater amount of fees than 1,000 rupees, taking into account in the case of fees payable on an increase of capital after registration the fees paid on registration.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association ...	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of ..	5	0	0

TABLE C.

Table of Fees to be paid to the Registrar of Joint Stock Companies by a Company not having a capital divided into shares.

	Rs.	A.	P.
For registration of a Company whose number of members, as stated in the Articles of Association, does not exceed 20	40	0	0
For registration of a Company whose number of members, as stated in the Articles of Association, exceeds 20, but does not exceed 100	100	0	0
For registration of a Company whose number of members, as stated in the Articles of Association, exceeds 100, but is not stated to be unlimited, the above fee of Rs. 100 with an additional Rs. 5 for every 50 members or less number than 50 members after the first 100.			
For registration of a Company in which the number of members is stated in the Articles of Association to be unlimited, a fee of ...	400	0	0
For registration of any increase on the number of members made after the registration of the Company, in respect of every 50 members, or less than 50 members, of such increase ...	5	0	0
Provided that no one Company shall be liable to pay on the whole a greater fee than Rs. 400 in respect of its number of members, taking into account the fee paid on the first registration of the Company.			
For registration of any existing Company, except such Companies as are by this Act exempted from payment of fees in respect of registration under this Act, the same fee as is charged for registering a new Company.			
For registering any document hereby required or authorized to be registered, other than the memorandum of association	5	0	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of	5	0	0

FORM D.

FORM OF STATEMENT REFERRED TO IN PART III OF THE ACT.

* The Capital of the Company is Rs. , divided into shares of each.

The number of shares issued is . Calls to the amount of Rs. per share have been made, under which the sum of Rs. has been received.

The liabilities of the Company on the first day of January (or July) were:—

Debts owing to sundry persons by the Company:

Under decree, Rs.

On specialty, Rs.

On Notes or Bills, Rs.

On Simple Contracts, Rs.

On estimated Liabilities, Rs.

The Assets of the Company on that day were:—

Government Securities [*stating them*], Rs.

Bills of Exchange and Promissory Notes, Rs.

Cash at the Bankers, Rs.

Other Securities, Rs.

SECOND SCHEDULE.

FORM A.

Memorandum of association of a Company limited by shares.

1st.—The name of the Company is "the Company, Limited."

2nd.—The registered Office of the Company will be situate in

3rd.—The objects for which the Company is established are, " and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—The capital of the Company is Rs. divided into shares of Rs. each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names:—

Names, Addresses, and Descriptions of Subscribers.	Number of shares taken by each subscriber.
1. A. B. of ...	
2. C. D. ,, ...	
3. E. F. ,, ...	
4. G. H. ,, ...	
5. I. J. ,, ...	
6. K. L. ,, ..	
7. M. N. ,, ...	
Total shares taken ...	

Dated the day of

Witness to the above signatures.

O. P. of .

* If the Company has no capital divided into shares, the portion of the Statement relating to capital and shares must be omitted.

FORM B.

Memorandum and Articles of Association of a Company limited by guarantee, and not having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "the Mutual Calcutta Marine Association, Limited."

2*nd.*—The registered Office of the Company will be situate in Calcutta.

3*rd.*—The objects for which the Company is established are "the Mutual Insurance of ships belonging to members of the Company, and the doing all such other things as are incidental or conducive to the attainment of the above objects."

4*th.*—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 100.

We, the several persons whose names and addresses are subscribed are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of

Witness to the above signatures

O P. of

Articles of Association to accompany preceding Memorandum of Association.

(1.) The Company, for the purpose of registration, is declared to consist of five hundred members.

(2.) The Directors hereinafter mentioned may, whenever the business of the association requires it, register an increase of members.

Definition of Members.

(3.) Every person shall be deemed to have agreed to become a member of the Company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4.) The first General Meeting shall be held at such time not being more than three months after the incorporation of the Company, and at such place as the Directors may determine.

(5.) Subsequent General Meetings shall be held at such time and place as may be prescribed by the Company in General Meeting; and if no other time or place is prescribed, a General Meeting shall be held on the first Monday in February in every year at such place as may be determined by the Directors.

(6.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.

(7.) The Directors may whenever they think fit, and they shall upon a requisition made in writing by any five or more members, convene an Extraordinary General Meeting.

(8.) Any requisition made by the members shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

(9.) Upon the receipt of such requisition, the Directors shall forthwith proceed to convene a General Meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists or any other five members may themselves convene a meeting.

Proceedings at General Meetings.

(10.) Seven days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business, the general nature of such business, shall be given to the members in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the Company in General Meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any General Meeting.

(11.) All business shall be deemed special that is transacted at an Extraordinary Meeting, and all that is transacted at an Ordinary Meeting, with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the Directors.

(12.) No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of members is present at the commencement of such business. Such quorum shall be ascertained as follows: that is to say, if the members of the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

(13.) If within one hour from the time appointed for the meeting, a quorum of members is not present, the meeting if convened upon the requisition of the members, shall be dissolved. In any other case it shall stand adjourned to the same day in the following week, at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die.*

(14.) The Chairman (if any) of the Directors shall preside as Chairman at every General Meeting of the Company.

(15.) If there is no such Chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be Chairman of such meeting.

(16.) The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17.) At any General Meeting, unless a poll is demanded by at least five members, a declaration by the Chairman that a Resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour or against such Resolution.

(18.) If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the Chairman directs; and the result of such poll shall be deemed to be the Resolution of the Company in General Meeting.

Votes of Members.

(19.) Every member shall have one vote and no more.

(20.) If any member is a lunatic or idiot, he may vote by his Committee or other legal Curator: if any member is a minor, he may vote by his guardian or any one of his guardians if more than one.

(21.) No member shall be entitled to vote at any meeting unless all monies due from him to the Company have been paid.

(22.) Votes may be given either personally or by proxies. A proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a Corporation, under its common seal.

(23.) No person shall be appointed a proxy who is not a member, and the instrument appointing him shall be deposited at the registered Office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

(24.) Any instrument appointing a proxy shall be in the following form :—

COMPANY LIMITED.

I of
being a member of the
Company Limited, hereby appoint
of as my proxy, to vote for me and on my behalf at the [Ordinary or Extraordinary, *as the case may be*] General Meeting of the Company to be held on the day of , and at any adjournment thereof to be held on the day of next [*or* at any meeting of the Company that may be held in the year .]

As witness my hand, this
day of

Signed by the said in the presence of

Directors.

(25.) The number of the Directors and the names of the first Directors shall be determined by the subscribers of the memorandum of association.

(26.) Until Directors are appointed, the subscribers of the memorandum of association shall be deemed to be Directors.

Powers of Directors.

(27.) The business of the Company shall be managed by the Directors, who may exercise all such powers of the Company as are not hereby required to be exercised by the Company in General Meeting; but no regulation made by the Company in General Meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

Election of Directors.

(28.) The Directors shall be elected annually by the Company in General Meeting.

Business of Company.

(Here insert rules as to mode in which business of insurance is to be conducted.)

ACCOUNTS.

(29.) The accounts of the Company shall be audited by a Committee of five members, to be called the Audit Committee.

(30.) The first Audit Committee shall be nominated by the Directors out of the body of members.

(31.) Subsequent Audit Committees shall be nominated by the members at the Ordinary General Meeting in each year.

(32.) The Audit Committee shall be supplied with a copy of the balance-sheet, and it shall be their duty to examine the same with the accounts and vouchers relating thereto.

(33.) The Audit Committee shall have a list delivered to them of all books kept by the Company, and they shall at all reasonable times have access to the books and accounts of the Company. They may, at the expense of the Company, employ accountants or other persons to assist them in investigating such accounts, and they may in relation to such accounts examine the Directors or any other Officer of the Company.

(34.) The Audit Committee shall make a report to the members upon the balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by these regulations of the Company, and properly drawn up, so as to exhibit a true and correct view of the state of the Company's affairs, and in case they have called for explanations or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read together with the report of the Directors at the Ordinary Meeting.

Notices.

(35.) A notice may be served by the Company upon any member, either personally or by sending it through the Post in a letter addressed to such member at his registered place of abode.

(36.) Any notice, if served by Post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the Post; and in proving such service, it shall be sufficient to prove that the letter containing the notice was properly addressed and put in to the Post Office.

Winding-up.

(37.) The Company shall be wound up voluntarily whenever an Extraordinary Resolution, as defined by the Indian Companies' Act, 1866, is passed, requiring the Company to be wound up voluntarily.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of ... ... Merchant.
2. C. D. of ... ... ,,
3. E. F. of ... .. ,,
4. G. H. of ... ... ,,
5. I. J. of ... ... ,,
6. K. L of .. ... ,,
7. M. N. of ... ... ,,

Dated the day of 18 .

Witness to the above signatures.

O. P. of

FORM C.

Memorandum and Articles of Association of a Company limited by guarantee, and having a capital divided into shares.

Memorandum of Association.

1st.—The name of the Company is "The Hotel Company, Limited."

2nd.—The registered Office of the Company will be situate in

3rd.—The objects for which the Company is established are "the facilitating travelling in by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

4th.—Every member of the Company undertakes to contribute to the assets of the Company, in the event of the same being wound up during the time that he is a member or within one year afterwards, for payment of the debts and liabilities of the Company contracted before the time at which he ceases to be a member, and the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required not exceeding Rs. 200.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 18 .

Witness to the above signatures.

O. P. of

Articles of Association to accompany preceding Memorandum of Association.

1. The capital of the Company shall consist of five lakhs of rupees divided into five thousand shares of one hundred rupees each.

2. The Directors may, with the sanction of the Company in General Meeting, reduce the amount of shares.

3. The Directors may, with the sanction of the Company in General Meeting, cancel any shares belonging to the Company.

4. All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Addresses, and Descriptions of Subscribers.	Number of shares taken by each Subscriber.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	

Total shares taken

Dated the day of 186 .

Witness to the above signatures.

O. P. of

Memorandum and Articles of Association of an Unlimited Company having a capital divided into shares.

Memorandum of Association.

1*st.*—The name of the Company is "The Patent Company."

2*nd.*—The registered Office of the Company will be situated in _.

3*rd.*—The objects for which the Company is established are "the working of a patent method of of which method O. P. of is the sole patentee.

We, the several persons whose names are subscribed, are desirous of being formed into a Company in pursuance of this memorandum of association.

Names, Addresses, and Descriptions of Subscribers.

1. A. B. of
2. C. D. of
3. E. F. of
4. G. H. of
5. I. J. of
6. K. L. of
7. M. N. of

Dated the day of 186 .

Witness to the above signatures.

Q. R. of

Articles of Association to accompany the preceding memorandum of association.

Capital of the Company.

The capital of the Company is twenty thousand rupees divided into twenty shares of one thousand rupees each.

Application of Table A.

All the Articles of Table A shall be deemed to be incorporated with these Articles, and to apply to the Company.

We, the several persons whose names and addresses are subscribed, agree to take the number of shares in the capital of the Company set opposite our respective names.

Names, Addresses and Descriptions of subscribers.	Number of shares taken by subscribers.
1. A. B. of	
2. C. D. of	
3. E. F. of	
4. G. H. of	
5. I. J. of	
6. K. L. of	
7. M. N. of	

Total shares taken

Dated the day of 186

Witness to the above signatures.

Q. R. of

FORM E. As required by the Second Part of the Act.

Summary of Capital and Shares of the Company made up to the day of
Nominal Capital Rs. divided into shares of Rs. each
Number of Shares taken up to the day of
There has been called up on each Share Rs.
Total amount of calls received Rs.
Total amount of calls unpaid Rs.

List of persons holding shares in the Company on the day of and of persons who have held Shares therein at any time during the year immediately preceding the said day of , showing their names and addresses and an account of the Shares so held.

Folio in Register Ledger containing particulars.	Names, Addresses, and Occupations.				Account of Shares.					Remarks.
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing members on the day of	Additional Shares held by existing members during preceding year.		Shares held by persons no longer members.		
						Number.	Date of transfer.	Number.	Date of transfer.	

THIRD SCHEDULE.

Number and date of Act.	Title of Act.
No. XLIII of 1850 ...	An Act for the Regulation of Joint Stock Companies.
No. XIX of 1857 ...	An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations, either with or without limited liability of the members thereof.
No. VII of 1860 ...	An Act to enable Joint Stock Banking Companies to be formed on the principle of limited liability.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 12th March 1866, and is hereby promulgated for general information :—

ACT No. XI OF 1866.

An Act to repeal Act No. IV of 1855 *(for incorporating for a further period, and for giving further powers to the Assam Company).*

Preamble.

Whereas the Assam Tea Company is to be incorporated by a local Act of Parliament made and passed in the 28th and 29th years of the reign of Her Majesty, cap. CXXIX; but, under or by virtue of the second Section of the said Act of Parliament, its operation is deferred until the expiration of two months next after the day of the passing by the Governor General of India in Council of an Act to repeal the Act of the Legislative Council of India, No. IV of 1855; and whereas it is expedient to repeal the same Act in order that the said Act of Parliament may be brought into operation; It is hereby enacted as follows :—

Repeal of Act IV of 1855.

1. Act No. IV of 1855 is hereby repealed, except as to the repeal of Act No. XIV of 1854 effected thereby, and except as to contracts made, acts done, and liabilities incurred before the passing of this Act.

For two months the powers, rights, and liabilities of Assam Company not to be affected.

2. For the period of two months next after the day of the passing of this Act, the incorporation, powers, rights and liabilities of the said Company shall continue as if this Act had not been passed.

WHITLEY STOKES,

Asst. Secy. to the Govt of India,
Home Department (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information :—

ACT No. XII OF 1866.

An Act to provide for the compulsory taking of rights to form and maintain private water-courses from public works of irrigation.

Preamble.

Whereas it is expedient to provide for the compulsory taking of rights to form and maintain private water-courses through lands lying between public works of irrigation and the lands, mills, sewers, reservoirs or buildings of persons desiring water from such works for the purposes of irrigating, working or cleansing such lands, mills or sewers, or for bathing, drinking, manufacturing or other useful purposes; It is enacted as follows :—

Interpretation Clause. Number. "Section." "Local Government." "Collector." "Canal Officer."

1. In this Act, words in the singular include the plural, and words in the plural include the singular; "Section" means a Section of this Act; and in every place in which this Act operates, "Local Government" means the person authorized by law to administer Executive Government in such place and includes a Chief Commissioner: "Collector" includes any Officer authorized to exercise the duties of a Collector of the land revenue of such place: and "Canal Officer" means the chief Officer invested by the Local Government with the immediate control of the District defined by the Local Government for the purposes of irrigation in which such place shall be situate.

Application to Canal Officer.

2. Whenever any person shall require the right to form and maintain, for any of the purposes aforesaid, a private water-course through the lands (hereinafter called the intervening lands) lying between a public work of irrigation and his own lands, mills, sewers, reservoirs or buildings, he shall apply in writing under his hand to the Canal Officer, stating —

(1) The particulars of the right so required:

(2) That the applicant is willing to pay a reasonable sum for the purchase, rent or revenue thereof, to defray the expense of the survey, memoranda and plans required by this Act, to make reasonable compensation for any injury that may be caused to the intervening lands and to the crops thereon by the formation of the proposed water-course, and to construct and maintain such works connected therewith as may be necessary; and

(3) That he has endeavoured unsuccessfully to enter into an agreement with the owners, tenants and occupiers of the intervening lands as to the amount of the purchase-money or rent and compensation aforesaid.

Stamp.

Such application shall bear a stamp of eight annas.

Canal Officer to make local enquiry.

3. On receiving such application, the Canal Officer shall visit the intervening lands and make enquiry as to the expediency of forming the proposed water-course. If he is not satisfied of such expediency, he shall reject the application. But if he is satisfied of such expediency, he shall cause to be made at the applicant's expense a survey of the intervening lands and a memorandum and plan showing the direction, length, width and depth of the proposed water-course; the bridges, aqueducts, drains or other works (if any) to be made in connection therewith, and the amount of land required therefor. Such memorandum shall also state that, in the opinion of the Canal Officer, the formation of the proposed water-course will be a benefit to the applicant, and will cause no disproportionate injury to the intervening lands, and it shall be subscribed by the Canal Officer and recorded in his Office.

And either to reject application,

Or to cause survey, memorandum and plan to be made.

Memorandum to be subscribed and recorded by Canal Officer.

Plan and copy of memorandum forwarded to Collector, and copy of memorandum furnished by him to Lumberdars.

4. The Canal Officer shall forward the said plan together with a copy under his hand of such memorandum to the Collector, who shall furnish a copy under his hand of the memorandum to the Lumberdar or Sudder Malguzar of every village through which the proposed water-course is to pass.

Proclamation of contents of memorandum.

5. The Collector shall also cause the contents of the said memorandum to be proclaimed in every such village in the local vernacular language, and shall at the same time cause notice to be published in the same language in every such village that any person interested in the lands to be traversed by the proposed water-course, and objecting to its formation, shall be at liberty to apply to him within fifteen days from the date of such proclamation.

Petition to Collector against water-course.

6. Any such person may within the time hereinbefore limited present a petition to the Collector, stamped with a stamp of the value of eight annas and setting forth his objections to the formation of the proposed water-course. The Collector may in his discretion either reject the petition, recording his reasons thereon, or make an enquiry, of which he shall give previous notice to the Canal Officer, as to the validity of the objections, and summon witnesses and require them to produce before him all such documents as he shall think fit. Persons so summoned shall be subject to the law for the time being in force as regards persons summoned before a Collector acting judicially.

Procedure of Collector on receipt of petition.

Memorandum by Collector.

7. If no objection shall have been made under the provisions of Section 6;

Or if the Collector shall think that the objections (if any) to the formation of the proposed water-course are insufficient and that such water-course should be formed;

Or if he shall think that such objections are sufficient, and that it should not be formed;

Or if he shall think that such objections exist, but that they may be obviated by the construction of bridges, aqueducts, drains or other such works, in addition to the works (if any) referred to in Section 3, and that the proposed water-course should be formed, proper provision being made for the construction and maintenance of such additional works (mentioning them),

He shall make, subscribe and record in his Office a memorandum to that effect.

Copy of Collector's memorandum to be sent to Canal Officer.

8. The Collector shall thereupon send the Canal Officer a copy under his hand of such memorandum.

Procedure thereon when Canal Officer and Collector agree that water-course should be formed.

9. If the Canal Officer shall agree with the Collector that the water-course should be formed, and that no additional works connected therewith are needed, he shall proceed according to the provisions in such case contained in Section 14.

When Canal Officer and Collector agree that the water-course should not be formed.

10. If he shall agree with the Collector that the water-course should not be formed, he shall give notice thereof to the applicant, and all proceedings shall thereupon be stayed.

When Canal Officer and Collector agree that the water-course should be formed, provision being made as to additional works.

11. If the Canal Officer shall agree with the Collector that the water-course should be formed, proper provision being made for the construction and maintenance of the additional works mentioned in Section 7, he shall cause to be prepared at the expense of the applicant a memorandum and plan of the same works and shall record such memorandum and plan in his Office and shall forward to the Collector the plan and a copy of the memorandum.

Procedure in case Collector and Canal Officer disagree.

12. If the Canal Officer disagree with the Collector's memorandum under Section 7, he shall submit the copy thereof sent to him under Section 8, together with a statement of his own reasons for such disagreement, through the head of his own Department, to the Commissioner of the Division. If the Commissioner agree with the Canal Officer, the Commissioner's decision on the points in dispute shall be final. If the Commissioner disagree with the Canal Officer, the whole case shall be referred to the final decision of the Local Government.

Procedure where Collector is himself Canal Officer.

13. Where the Collector is himself the Canal Officer, he shall forward to the Commissioner of the Division all petitions presented under Section 6, who shall then proceed in the same manner, and with

the same powers, as if he were a Collector acting under Section 6; and in every such case Sections 7, 8, 9, 10 and 11 shall be read as if for the word "Collector" the words "Commissioner of the Division" were substituted.

Procedure after thirty days from the giving of notice under Section 5.

14. At the expiration of thirty days from the giving of the notice mentioned in Section 5, if under the provisions hereinbefore contained it shall have been determined that the proposed water-course is to be formed, the Canal Officer shall enter upon the intervening lands and mark out the limits of the proposed water-course; and thereupon the Collector shall adjust the amount to be given as purchase-money, rent and revenue or any of them for the right and as compensation for the injury respectively mentioned in Section 2. In making such adjustment the Collector shall follow the procedure and may exercise the powers prescribed for and conferred upon him by Act No. VI of 1857, Sections 4, 5, 6 and 7.

Collector to fix compensation.

Collector to require applicant to pay purchase-money.

15. The Collector shall then require the applicant to pay such amount (if any) as shall be payable at once, and, if the said Collector shall think fit, to deposit with him such security as he shall deem sufficient for the due payment of the rent and revenue (if any) aforesaid, and for the construction and maintenance of the works (if any) connected with the said water-course. And, on compliance with such requirement, the Collector shall authorize the applicant to take and enjoy the right aforesaid.

On payment, applicant to be authorized to take right.

Applicant may enter with workmen, &c.

16. On receiving such authority from the Collector, it shall be lawful for the applicant, with such workmen, cattle and things as may be necessary, to enter upon the intervening lands and make the proposed water-course within the limits so marked out as aforesaid, and either to remove all or any of the clay, sand, gravel and stones which shall be taken out of the said water-course, or to use all or any parts thereof in making the said water-course and the works connected therewith, and to use such water-course for the purpose of conveying water from the said public works of irrigation in the direction of and into his lands, mills, sewers, reservoirs or buildings as the case may be, at the place indicated in the plan mentioned in Section 3; and from time to time, with such workmen, cattle and things as aforesaid, to enter upon the said intervening lands and inspect, repair and cleanse the said water-course, and from time to time for the purposes aforesaid to place upon the same lands and to remove such materials, machinery and other things as he shall think fit.

Power to Local Government to make rules.

17. It shall be lawful for the Local Government from time to time to prescribe rules, consistent with the provisions of this Act, upon all or any of the subjects next hereinafter mentioned (that is to say):—

(1.)—The formation of the water-course and the works (if any) connected therewith, in a proper and workmanlike manner:

(2.)—The removal of the clay, sand, gravel and stones excavated in the formation of the water-course, and not used as aforesaid:

(3.)—The time for the completion of the water-course and the works (if any) connected therewith:

(4.)—The cleansing of the water-course and the maintenance and repair of the water-course and works (if any) connected therewith:

(5.)—The avoidance of unnecessary damage to the surface of the adjoining lands and the crops for the time being thereon and the compensation for such damage (if any):

(6.) The prevention of injury to the water-course and of interference with the flow of water through the same:

(7.) The making good of such injury and the restoration of the flow of water:

(8.) The adjustment of the rights in the water-course of the persons for whose benefit it is formed or to whose benefit it may afterwards be extended:

(9.) In case the water-course be discontinued, the conditions on which the owner of the intervening lands may enter upon the ground within its limits, and the conditions on which the persons mentioned in paragraph (8) of this Section may be discharged from the further payment of rent or revenue in respect of the water-course.

Such rules, when they shall have received the sanction of the Governor-General of India in Council, and when they shall have been published in the Official Gazette, shall be read with and taken as part of this Act.

Bar of suits for the compulsory taking, prior to this Act, of land for private water-courses.

18. No suit shall lie in respect of the compulsory taking, prior to the passing of this Act, of any land for the formation of a private water-course for any of the purposes mentioned in the preamble to this Act. But in every such case it shall be lawful for the Collector within one year from the passing or extension of this Act, on the application of the person from whom the land was so taken, his representatives or assigns, to adjust, in manner hereinbefore referred to, the amount to be given as purchase-money, rent or revenue for the said land; and, on failure, within thirty days after such adjustment shall have been notified to the person who shall have taken such land, his representatives or assigns, to pay the said purchase-money, or to give security to the satisfaction of the Collector, for the due payment of the said rent or revenue, the Collector may replace the person from whom the land was so taken, his representatives or assigns, in possession of the land aforesaid. The Collector may also award to him or them such compensation as the Collector shall think fit for the injury (if any) done to such land by the formation of the water-course, and the

Procedure in such cases.

amount of such compensation may be recovered in such manner as the Local Government shall provide.

Present extent of Act.

19. This Act applies to the Territories respectively under the Governments of the Lieutenant Governor of the North-Western Provinces and the Lieutenant Governor of the Punjab. But it may be extended, *mutatis mutandis*, to any other part of British India by an order of the Local Government notified in the Official Gazette; and from the date of any such extension, so much of any Act, Regulation or Rule having the force of law which shall be in operation in the Territories to which such extension shall have been made, as shall be inconsistent with this Act or with any Rule prescribed by such Government pursuant to Section 17, shall cease to have effect in such Territories.

Act may be extended.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information :—

ACT No. XIII OF 1866.

An Act to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province.

Preamble.

Whereas it is expedient to exempt certain suits in Oude relating to land from the operation of the rules of limitation in force in that Province; It is enacted as follows :—

Bar of certain suits relating to tenures.

1. No suits relating to any tenure which, under the provisions of Act No. XVI of 1865, shall be solely cognizable in the Courts of Revenue in the said Province, shall be barred under the rules of limitation in force in such Courts if the cause of suit shall have arisen on or after the 13th day of February 1844. And any suit or appeal relating to any tenure and cognizable as aforesaid, which may have been rejected or dismissed upon the ground that the suit was barred under the said rules, may be revived and heard on the merits, if the cause of suit shall have arisen on or after such day.

Bar of redemption-suits when mortgage executed before 13th February 1844.

2. When a mortgagee shall, under or by virtue of a mortgage executed before the said day, have obtained possession of any land comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring a suit in any Civil Court or any Revenue Court in the said Province to redeem the mortgage of such land, any subsequent acknowledgment of the title or right to redeem of the mortgagor, or of any person claiming through him, notwithstanding. Provided that any suit for the redemption of land, which may have been rejected or dismissed upon the ground that the suit was barred under some rule of limitation in force, or supposed to be in force, in the said Province, may be revived and heard as aforesaid, if the mortgage shall have been executed on or after the said day.

Certain redemption-suits may be revived when the mortgage was executed on or after 13th February 1844.

This Act not to bar redemption-suits where term for redemption had not expired before 13th February 1856.

3. Nothing herein contained shall be taken to bar a suit for redemption in any case where, by the instrument of mortgage, a term was fixed within which the property comprised therein might be redeemed, and such term had not expired before the 13th day of February 1856; Provided that if any such term had expired before that day, the suit shall be barred whatever may have been the date on which the instrument was executed.

This Act to be read with Act No. XVI of 1865.

4. This Act shall be read with nd taken as part of the said Act No. XVI of 1865.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India.
Home Department (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information :—

THE INDIAN POST OFFICE ACT, 1866.

ARRANGEMENT OF SECTIONS.

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49. Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.
50. Penalty for preparing incorrectly, altering or secreting documents, by persons employed in the Post Office.
51. Penalty for sending letters on which postage has not been paid or charged, by persons employed in the Post Office.
52. Penalty for abetting or concealing offences under this Act.
53. Any person charged with offence punishable with fine only may be summarily convicted.
54. Conviction to be quashed on merits only. Form of conviction.
55. Magistrate may refer charge to his Assistant.
56. Fines how levied.
Imprisonment if no sufficient distress, &c.
57. Share of fine to informer.
58. No proceedings for recovery of fines to be taken without an order.
59. Post Office servants committing offences in allied States.
60. Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

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61. Property sent by the post to be laid in the Post Master General.
62. Letters on Her Majesty's service, duly certified as such, how to be charged.
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ACT No. XIV OF 1866.

An Act to amend the law for the management of the Post Office, for the regulation of the Duties of Postage, and for the punishment of offences against the Post Office.

Preamble.

Whereas it is expedient to amend the law for the management of the Post Office, for the regulation of the duties of postage, and for the punishment of offences against the Post Office; It is enacted as follows :—

PART I.

Preliminary.

Commencement of Act. Short title.

1. This Act shall come into operation on the first day of May 1866, and may be cited as "The Indian Post Office Act, 1866."

Interpretation Clause. "Criminal Court." "Fine." "Clubbed Packet." "Newspaper." "Mails"

2. In this Act—unless there be something repugnant in the subject or context—"Criminal Court" includes every Judge, Magistrate, Justice of the Peace or Police Magistrate lawfully exercising jurisdiction in criminal cases: "Fine" includes a penalty or forfeiture, or a sum of money due upon a forfeited recognizance: "Clubbed packet" shall be taken to mean a packet containing a collection of letters, not made by an agent of the Post Office, transmitted through the Post Office with the view of the enclosed letters being delivered to more than one person through the agent of the person by whom the packet was made up: "Newspaper" shall include any periodical publication, published at regular intervals not exceeding thirty-one days: "Mails" shall include any letter, parcel or other article conveyed under the provisions of this Act, as well as any box, bag or other article, or any carriage, horse, messenger or other person employed or used by the Post Office for the conveyance or safe custody of

the mails; and "British India" includes the territories which are now or shall be vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106 (An Act for the better Government of India.)

"British India."

3. Act No. XVII of 1854 is hereby repealed, except so far as it repeals the whole or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced before this Act shall come into operation.

Repeal of Act No. XVII of 1854.

4. References to any Section of Act No. XVII of 1854 made in any Act passed subsequent thereto, shall be read as if made to the corresponding Section of this Act.

References to Act No. XVII of 1854 to be read as made to this Act.

5. Wheresoever, within British India, posts or postal communications are or shall be established by the Government of India, the said Government shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters, except in the following cases, that is to say—

Exclusive privilege of carrying letters vested in the Government of India.

(1) Letters sent by a private friend in his way, journey or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward or other profit or advantage for receiving, carrying or delivering the same.

(2) Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

(3) Letters solely concerning goods or other property sent either by sea or land to be delivered with the goods or property which such letters concern, without hire, reward or other profit, or advantage for receiving, carrying or delivering such letters. But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

6. Wheresoever, within British India, posts or postal communications are or shall be established by the Government of India, the following persons are expressly forbidden to collect, carry, tender or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say—

Persons expressly forbidden to collect, carry or deliver letters.

(1) Common carriers of passengers or goods, and their drivers, servants or agents, except letters solely concerning goods in their carriages.

(2) Owners and Commanders of ships, steamboats or other vessels passing on any river or canal, or to or from any port in British India, and their servants or agents, except letters solely concerning goods on board.

7. For carrying on the service of the Post Office, it shall be lawful for the Governor-General of India in Council to appoint or to authorize the appointment of such Officers, with such official styles or designations, and to invest them with and delegate to them such powers not inconsistent with the provisions of this Act, as the said Governor-General of India in Council may, from time to time, deem expedient.

Appointment of Officers for service of Post Office.

PART II.

Postage Rates.

8. Wheresoever posts or postal communications are or shall be established by the Government of India, postage, if pre-paid by a stamp or stamps as hereinafter provided, shall be charged by weight on letters transmitted by the letter-post by land, according to the following scale:—

Postage rates on letters.

On every letter not exceeding a quarter of a tolah in weight,—six pie:

On every letter exceeding a quarter of a tolah and not exceeding half a tolah in weight,—one anna:

On every letter exceeding half a tolah and not exceeding one tolah in weight,—two annas:

And for every half tolah in weight above one tolah, one additional anna; and every fraction of half a tolah above one tolah shall be charged as one additional half tolah.

Every article transmitted by the letter-post shall be deemed a letter within the meaning of this Section, unless it be an article on which a different rate of postage shall be chargeable under this Act.

9. Wheresoever posts or postal communications are or shall be established by the Government of India, postage on newspapers, transmitted by the letter-post by land, shall be charged by weight according to the following scale:—

Postage rates on newspapers.

On every newspaper not exceeding ten tolahs in weight,—one anna:

On every newspaper exceeding ten tolahs and not exceeding twenty tolahs in weight,—two annas:

And for every ten tolahs in weight above twenty tolahs, one additional anna; and every fraction of ten tolahs shall be charged as ten additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

10. A newspaper shall not be sent by the letter-post at the rates prescribed in the last preceding Section, unless the following conditions be observed, that is to say—

Newspapers how to be sent by letter-post.

(1.) It shall be without a cover, or in a short cover open at both ends:

(2.) There shall be no word printed on such newspaper after its publication, or upon the cover thereof, nor any writing or mark upon it, or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender:

(3.) There shall be no paper or thing enclosed in or with any such newspaper.

11. Any newspaper sent by the letter-post in respect of which the above conditions shall not be observed shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Newspapers when charged with letter postage.

12. Proof-sheets marked as such may be sent by the letter-post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in full of the sender; otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Proof-sheets.

13. Subject to such rules and conditions as the Governor-General of India in Council may from time to time direct, books, packets of newspapers and other articles, provided the postage thereon be prepaid by means of a proper stamp or stamps to be affixed thereon as hereinafter provided, shall be charged with the following rates of postage, without reference to the distance to which they may be carried:—

Postage rates on books, packets of newspapers, &c.

If not exceeding ten tolahs in weight,—one anna:

If exceeding ten tolahs and not exceeding twenty tolahs in weight,—two annas:

And for every ten tolahs in weight above twenty tolahs, one additional anna; and every fraction of ten tolahs shall be charged as ten additional tolahs.

If the postage chargeable on any such book or other article be not pre-paid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in Section 14 of this Act.

14. Inland postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale:—

Inland banghy postage.

For distances		If not exceeding in weight							
		20 Tolahs.	50 Tolahs.	100 Tolahs.	200 Tolahs.	300 Tolahs.	400 Tolahs.	500 Tolahs.	600 Tolahs.
	Miles.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.	Rs. A.
Not exceeding	300	0 4	0 8	0 12	1 8	2 4	3 0	3 12	4 8
Not exceeding	600	0 8	1 0	1 8	3 0	4 8	6 0	7 8	9 0
Not exceeding	900	0 12	1 8	2 4	4 8	6 12	9 0	11 4	13 8
Not exceeding	1,200	1 0	2 0	3 0	6 0	9 0	12 0	15 0	18 0
Exceeding.....	1,200	1 4	2 8	3 12	7 8	11 4	15 0	18 12	22 8

Provided that not more than one letter shall be enclosed in a banghy parcel, under a penalty not exceeding fifty rupees.

15. Banghy postage, when chargeable by distance under Section 14 of this Act, shall be calculated and charged according to such Table of distances as shall be authorised from time to time for that purpose by the Governor-General of India in Council. And it shall be lawful for the Governor-General of India in Council to declare that the distances from or to Post Offices not entered in such Table shall, for the purposes of this Act, be regarded as represented by the distances shown in the Table from or to the Post Offices nearest to them respectively. Each Post Master General shall prepare from the aforesaid Table, in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices in India, arranged alphabetically, and showing the distance of each of them from the Post Office for the use of which it is made, and such list shall be affixed in some conspicuous place in such Post Office.

Table of distances for calculation of Banghy postage.

16. Where there is no banghy post established on any line of road, parcels, books, and other articles shall be received and transmitted by the letter-post, and shall be charged with postage according to the scale in Section 13 or 14 of this

Where there is no banghy post, parcels, books, &c., may be carried by letter post.

Act, as the case may be, if it be certified in writing, on such parcel, book-packet or other article under the full signature and address of the sender, that it does not contain any letter or other written communication on which a higher rate of postage is chargeable under any Section of this Act.

Certificate.

If any such certificate be false, any such letter or other written communication contained in such certified parcel, book-packet or other article shall be charged with letter postage as if sent separately, and the sender shall be subject to the penalty hereinafter provided.

Book-packets and parcels not exceeding ten tolahs in weight to go by letter-post unless directed to be sent by banghy or book-packet post.

17. All book-packets and parcels not exceeding ten tolahs in weight, sent through the Post Office, shall be conveyed by letter-post, and be charged with letter postage, unless specially directed to be sent by banghy or book-packet post.

Ship postage on parcels.

18. On all parcels chargeable under Section 14 of this Act with banghy postage according to distance when conveyed by land, ship postage shall be charged when they are conveyed by means of Her Majesty's Indian post by sea, according to the following scale, that is to say—

On every parcel not exceeding twenty tolahs in weight,—two annas :

On every parcel exceeding twenty tolahs but not exceeding forty tolahs in weight,—four annas :

On every parcel exceeding forty tolahs but not exceeding one hundred tolahs in weight,—eight annas :

And for every hundred tolahs in weight above one hundred tolahs,—eight additional annas. Every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs ; and if such parcel be conveyed by Her Majesty's Indian Post, partly by land and partly by sea, ship postage shall be charged in addition to inland banghy postage.

Governor-General in Council may direct prepayment of postage in all cases.

19. It shall be lawful for the Governor-General of India in Council at any time to direct that all or any letters or other articles shall not be forwarded by post, unless the postage thereof shall be fully pre-paid by means of a proper stamp or stamps ; or that on all or any letters or other articles on which the postage shall not be fully pre-paid by a stamp or stamps, or otherwise, as the said Governor-General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

Governor-General in Council may alter the rates of postage.

20. It shall be lawful for the Governor-General of India in Council from time to time to authorize the levy of postage at rates different from those prescribed in this Act, provided that no increase be made in any particular of the rates prescribed in Sections 8 and 9 of this Act.

Governor-General in Council may fix rates of steam postage.

21. It shall be lawful for the Governor-General of India in Council from time to time to direct that postage duties, different from the rates authorized by this Act, shall be chargeable on letters or other articles to be specified in such order, sent through the post from or to any part of Great Britain, or any British colony, or any Foreign country to or from any places in British India. The postage charged on any letter or other article specified in any order of Council made under this Section, whether under the name of steam postage or any other denomination, shall, after the rates of such postage have been published in the Official Gazette of any Presidency, be recovered in the same manner as postage under this Act.

Governor-General in Council may fix rates of postage for articles sent wholly or partly by sea.

22. It shall be lawful for the Governor-General of India in Council to fix, from time to time, rates of postage to be levied on all letters or other articles transmitted by post, by sea, or partly by sea and partly by land, from one part or place in India to another. It shall not be necessary that such rates be uniform ; but they may vary according to the conveyance or route by which such letters or other articles shall be sent.

Governor-General in Council may fix express postage rates.

23. It shall be lawful for the Governor-General of India in Council from time to time to fix and order any rate of postage to be charged for the conveyance of letters or other articles by express, in addition to or instead of any other rates of postage chargeable on such letters and articles under this Act.

Re-directed letters.

24. On every letter or other article which shall be re-directed at any Post Office, or forwarded by post from any place to which it shall have been conveyed by post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, or from which it shall be forwarded, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable if posted and pre-paid by stamp at the place where it shall be re-directed or from which it shall be forwarded.

PART III.

Registered Letters.

Letters may be registered.

25. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article ; and it shall be lawful for the Governor-General of India in Council to direct that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid by means of a stamp or stamps affixed to the letter or other article.

26. It shall be lawfu for the Governor-General of India in Council from time to time by order to declare in what cases registration shall be compulsory, and to direct that a double registration fee shall be levied on the delivery of any letter or other article which ought, under the order of the Governor-General in Council, to have been registered at the time of posting, on which the registration fee shall not have been pre-paid as directed in Section 25.

Governor-General in Council may declare in what cases registration shall be compulsory.

PART IV.

Re-delivered, Unpaid, Unclaimed and Refused Letters.

27. No person having delivered into any Post Office any letter or other article shall be entitled to re-call the same; but nothing in this Section shall prevent the re-delivery of any letter or other article to the sender thereof, subject to such rules and regulations, if any, as the Governor-General of India in Council may from time to time prescribe in that behalf.

Re-delivery of letters and other articles once put into Post Office.

28. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened; but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or other article shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the Secretary of State for India by any Post Master General, or by any Officer in charge of a Post Office by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the Officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or other article addressed to that person, not being on Her Majesty's Service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the Office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery Office may remit the postage.

Postage on unpaid letters, &c., to be paid by the receiver.

29. *Clause* 1.—A list of all letters and other articles posted and addressed to persons who cannot be found shall be prepared daily in every Post Office, and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters and other articles which shall have remained three weeks unclaimed in any Office shall, if the sender's name and address are written on the cover, be returned to the Posting Office to be delivered to the sender free of all charge. All letters and other articles of which the sender's name and address cannot be ascertained unless they be opened, shall, after remaining unclaimed for three weeks as aforesaid, be forwarded to the Office of the Post Master General of the Presidency.

Unclaimed letters how to be dealt with.

Clause 2.—The Post Master General or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters or other articles, and if the addresses of the senders can be discovered, shall enclose them in Dead Letter covers, and return them to the senders. All letters and other articles of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.

Unclaimed letters when sent to Post Master General's Office to be opened, and returned in Dead Letter covers to senders.

Clause 3.—All money found in any unclaimed letter or other article shall be paid into the Public Treasury; and all other valuable property found as above shall be sold by the Post Master General of the Presidency or by some one duly authorized by him for that purpose; and the proceeds of the sale shall be paid into the Public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

Money, &c., found therein how disposed of.

30 Every letter or other article rejected unopened by the person to whom it is addressed, shall, if any postage is due thereon and if the sender's name and address are written on the cover, be returned to be Posting Office, in order that the postage due may be recovered from the sender; in all other cases, or when the sender's name and address are not on the cover, such letter or other article shall be forthwith sent to the Office of the Post Master General of the Presidency, who shall open the letter or other article and take measures to recover the postage from the sender, or shall at his discretion destroy the letter or other article; and all money or other valuable property which such letter or other article may contain, shall be disposed of in the manner prescribed in the preceding Section with respect to such money or property contained in unclaimed letters.

Refused letters to be returned to Posting Office.

PART V.

Mails on board Inward and Outward bound Vessels.

31. When any vessel arrives by sea at any place within British India at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter, mail bag, box and packet on board of such vessel, which is directed to that place and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office or to some Officer of the Post Office authorized to receive the same; and if there be on board any letter, mail bag, box or packet, directed to any other place and not excepted from the exclusive privilege aforesaid, the said Commander shall as speedily as possible report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such

Commanders of inward-bound vessels carrying Mails how to proceed on arrival.

Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet. Every Commander of a vessel who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding one thousand rupees.

Penalty.

32. Every person being either the Commander of a vessel inward-bound or any one on board such vessel who shall, within British India, knowingly have in his possession any letter not excepted from the privilege of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding fifty rupees, whether the letter be in the baggage or on the person of the offender, or otherwise in his custody; and every such person who shall detain any such letter after demand made for the same by an Officer of the Post Office, shall forfeit for every such letter a sum not exceeding one hundred rupees.

Detention of letters on board inward-bound vessel.

33. For every letter delivered by the Commander of any ship in conformity with the directions of Section 31 of this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter, in addition to any other postage chargeable thereon under this Act. Provided that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Section 31 and the former part of this Section of this Act, shall extend to any letter or mail bag, or box or packet conveyed by any mail ship or mail steamer recognized as such by the Governor-General of India in Council.

Bounty-money.

34. The Commander of every vessel leaving any place in British India by sea, shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully disobey any direction contained in this Section, shall be punished with a fine not exceeding one thousand rupees.

Commanders of outward-bound vessels to receive Mails on board.

PART VI.

Postage Stamps.

35. All letters and other articles having a stamp or stamps affixed thereto (such stamp or stamps in every case being affixed on the outside, and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act), shall, provided the stamp or stamps shall not have been used before, be considered as pre-paid.

Stamped letters to be considered as pre-paid.

36. The Governor-General of India in Council shall cause postage stamps to be provided, denoting such values as the said Governor-General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

Postage stamps to be provided by Government.

37. Postage stamps, provided as aforesaid, shall be under the care and management of such Officer or Officers as the Governor-General of India in Council shall from time to time direct: postage stamps shall be considered as stamps issued by Government for the purpose of Revenue, within the meaning of the Indian Penal Code; and all sums of money realized by the sale of such stamps shall be carried in the public accounts to the credit of the Post Office.

Postage stamps to be under management of Officer appointed by Government.

38. The Governor-General of India in Council may from time to time make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors; and whether any and what remuneration or discount shall be allowed to them; and how and in what manner, and at what time or times, such vendors shall keep and render their accounts, and pay over the proceeds of any sales made by them, or re-deliver the stamps entrusted to them.

Rules for guidance of vendors of postage stamps.

39. Government vendors of postage stamps shall be bound by such rules, and in case of any wilful breach thereof, shall be punished with a fine not exceeding two hundred rupees in addition to any other proceedings to which they may by liable.

Penalty for breach of such rules.

40. Any Government vendor of postage stamps who shall be convicted of refusing, or unnecessarily delaying without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof (the stamp vendor having in his possession for sale sufficient stamps of the description and value required), shall be punished with a fine not exceeding one hundred rupees.

Penalty for refusing to supply stamps.

41. Any Government vendor of postage stamps convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be punished on conviction with imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding six months, or shall be liable to a fine not exceeding one hundred rupees; and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Criminal Court, in the same manner as any penalty under this Act.

Penalty for selling stamps for higher price than the value denoted thereby.

PART VII.

Offences against the Post Office.

Penalty for sending dangerous substance by post.

42. No person shall knowingly post, or send, or tender, or deliver, in order to be sent by the post, any letter, parcel or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall be punished for every such offence with a fine not exceeding two hundred rupees.

Penalty for making false certificate in order to defraud the Post Office.

43. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify by writing on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver, for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send or permit to be sent by post, under colour or pretence of an official communication, any letter, paper, writing or other enclosure of a private nature, shall, for every such offence, be punished with a fine not exceeding five hundred rupees.

Penalty for detaining Mails or opening mail bags.

44. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a Post Office messenger whilst carrying the Mails, or to detain any carriage or horse upon which the Mails are being carried, or on any pretence to open a packet or mail bag or box in transit from one Post Office to another, and every person who shall be guilty of any of the offences mentioned in this section, shall be punished with a fine not exceeding five hundred rupees.

Penalty for retaining letters, &c., delivered by mistake.

45. Every person who shall fraudulently retain, or wilfully secrete, or make away with or keep or detain, or, being required to deliver up by an Officer of the Post Office, shall neglect or refuse to deliver up a post letter or other article which ought to have been delivered to any other person, or a mail bag, box or packet containing a letter or other article which shall have been sent by the post, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, and shall also be liable to fine.

Penalties for breach of privilege conferred by Section 5.

46. *Clause* 1.—Every person who shall convey otherwise than by the post, a letter not excepted from the said exclusive privilege conferred on the Government of India by Section 5 of this Act, shall, for every letter so conveyed, forfeit a sum not exceeding fifty rupees.

Clause 2.—Every person who shall perform, otherwise than by the post, any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, tendering or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding fifty rupees.

Clause 3.—Every person who shall make a collection of letters for the purpose of transmitting them through the post in a clubbed packet, and every person who shall knowingly tender or deliver a letter to be sent in a clubbed packet, shall forfeit for every such letter a sum not exceeding fifty rupees.

Clause 4.—Every person who shall send a letter not excepted from the said exclusive privilege, otherwise than by the post or shall either tender or deliver a letter not so excepted, in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees.

Clause 5.—Every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post, shall forfeit for every such letter a sum not exceeding fifty rupees.

Clause 6.—Every person who shall carry, receive, tender or deliver a letter, or collect letters contrary to the provisions of Section 6 of this Act, shall forfeit for every such letter a sum not exceeding fifty rupees.

Clause 7.—Every person who shall be in the practice of committing any of the acts mentioned in this Section, shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding five hundred rupees.

Penalty for neglect on the part of persons employed to carry Mails.

47. Every person employed to convey or deliver any mail bag or box, or any letter or other article sent by post, who shall be guilty, while so employed, of drunkenness, carelessness or other misconduct, whereby the safety of any such bag, box, or letter or other article shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, box, letter or other article; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter or other article, shall be liable to a fine not exceeding fifty rupees; and any person employed to deliver a letter or other article sent by the post, who shall not duly deliver the same, shall, within a reasonable time not exceeding twenty-four hours, report the fact at the Post Office where he received such letter or other article, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty rupees.

Penalty for stealing, &c., or opening letters, &c., by persons employed in the Post Office.

48. Whoever being in the employ of the Government in the Post Office Department, shall steal, fraudulently appropriate, or wilfully secrete, destroy or throw away any letter or other article sent by post, or anything contained in any such letter or other article, or shall mutilate or break open any such letter or other article, or any mail bag or box, with the intention of fraudulently appropriating anything therein contained, shall be punished, on conviction

before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding seven years, and shall also be liable to fine.

Penalty for fraudulently altering marks on letters, &c., by persons employed in the Post Office.

49. Whoever being in such employ as last aforesaid, shall fraudulently put any wrong mark on any letter or other article, or shall fraudulently alter, remove or cause to disappear any mark or stamp which is on any letter or other article; or shall fraudulently use or place with or upon any letter or other article, any stamp which shall have been removed from any other letter or other article; or, being entrusted with the delivery of any letter or other article, shall knowingly demand or receive any sum of money for the postage thereof other than the sum duly chargeable for such postage, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

Penalty for preparing incorrectly or altering or secreting documents by persons employed in the Post Office.

50. Whoever being in such employ as last aforesaid, and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare the document incorrectly, or alter that document, or secrete or destroy that document, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

Penalty for sending letters on which postage has not been paid or charged by persons employed in the Post Office.

51. Whoever being in such employ as last aforesaid, shall send by the post, or put into any mail bag or box, any unstamped letter or other article upon which postage has not been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter or other article, shall be punished, on conviction before a Criminal Court, with imprisonment of either description as defined in the Indian Penal Code for a term not exceeding two years, and shall also be liable to fine.

Penalty for abetting or concealing offences under this Act.

52. Whoever abets, within the meaning of the Indian Penal Code or conceals any offence made punishable by this Act, shall be punished with the punishment provided for such offence.

Any person charged with offence punishable with fine only may be summarily convicted.

53. Any person, whether a European British subject or not, who shall be guilty of any offence for which according to the provisions of this Act he shall be liable to a fine only, shall be punishable for such offence by any Criminal Court upon summary conviction.

Conviction to be quashed on merits only.

54. No conviction, order or judgment of any Criminal Court, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order or judgment, the evidence on which it proceeds, but the depositions taken or a copy of them shall be returned with the conviction, order or judgment, and if no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment, shall be aided by what so appears in such depositions.

Form of conviction.

Magistrate may refer charge to his Assistant.

55. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Fines—how levied.

56. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Criminal Court or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named Officers. In case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take security by way of recognizance or otherwise. If upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if no sufficient distress, &c.

Share of fine to informer.

57. A share not exceeding one moiety of every fine imposed and recovered under this Act, may be awarded to the informer.

No proceedings for recovery of fines to be taken without an order.

58. No proceedings shall be taken for the recovery of any fine imposed under the authority of this Act, for offences punishable by fine only, without an

order of Government, or an order in writing under the hand of the Director General of the Post Office, or of a Post Master General, or other Officer specially invested with the powers of a Post Master General.

Post Office servants committing offences in allied States.

59. If any public servant who shall be employed in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the Government of India or any local Government with the sale of postage stamps within the dominions of any Foreign Prince or State in India in alliance with Her Majesty, in which a post shall be established by the Government of India, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed or entrusted as aforesaid within British India, such public servant shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within British India; and every such person may be tried, convicted and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor-General of India in Council, to take cognizance of offences committed in such dominions by public servants, or by any Court or Magistrate, or other competent Officer in any part of British India, in the same manner as if the offence had been committed in such part.

Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

60. If any Officer in charge of a Post Office shall suspect that any letter or other article lying for delivery at his Office contains any contraband article, or any article on which duty is owing to Government; or that any letter or other article lying for delivery at the Post Office contains any writing or enclosure in contravention of the provisions of Section 14, 16 or 43 of this Act, it shall be lawful for such Officer to summon the person to whom the letter or other article is directed, to attend at the Post Office by himself or agent, within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter or other article in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter or other article shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior proceedings, and that the opening of the same and the circumstances connected therewith shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel through the Post Office by sea to any foreign port, or to any place not on the Continent of India, unless such parcel be accompanied by a Custom House Pass.

Property sent by the post to be laid in the Post Master General.

61. Whenever an offence shall be committed in respect of any mail bag or box, or any letter or other article sent by the post, it shall be lawful to lay, in the charge to be preferred against the offender, the property of such mail bag, box, letter or other article in the Post Master General of the Presidency; and it shall not be necessary in the charge to allege or to prove upon the trial or otherwise, that such mail bag, box, letter or other article was of any value; and in any charge to be preferred against any person employed under the Post Office for any offence committed against this Act, it shall be lawful to state that such offender was employed under the Post Office at the time of committing the offence, without stating further the nature or particulars of his employment.

PART VIII.

Miscellaneous.

Letters on Her Majesty's Service, duly certified as such, how to be charged.

62. Letters and other articles on Her Majesty's Service, certified to be such by the signature of any public Officer authorized in that behalf by the Governor-General of India in Council, shall be forwarded by the post, and the postage due thereon shall be charged to or recovered from the several public departments to or from which such letters or packets are sent, in such manner as the said Governor-General of India in Council shall, from time to time, direct.

Governor-General in Council may frame rules.

63. It shall be lawful for the Governor-General of India in Council from time to time to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed and delivered.

District dawks.

64. It shall be lawful for the Governor-General of India in Council from time to time to frame rules for the management of all or any zemindaree, thannah or other district dawks, and to declare from time to time what portions of this Act shall be applicable to such dawks, and to persons employed in connexion therewith.

Government not responsible for loss.

65. The Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Office for conveyance; and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously or fraudulently.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information :—

ACT No. XV OF 1866.

An Act to amend the Law of Partnership in India.

Preamble.

Whereas it is expedient to amend the Law relating to Partnership ; It is enacted as follows :—

Lender not a partner by advancing money for share of profits.

1. The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such.

Explanation.—A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment of the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, agree in writing to allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section.

Remuneration of agents, &c., by profits not to make them partners.

2. No contract for the remuneration of a servant or agent of any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking shall, of itself, render such servant or agent responsible as a partner therein, nor give him the rights of a partner.

Certain annuitants not to be deemed partners.

3. No person being the widow or child of the deceased partner of a trader, and receiving by way of annuity a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of or to be subject to any liabilities incurred by such trader.

Receipt of profits, &c., not to make the seller a partner.

4. No person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to, the liabilities of the person carrying on such business.

Interpretation of "person."

5. In the construction of this Act, the word "person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information :—

ACT No. XVI OF 1866.

An Act to relieve the Governor-General of India in Council from the duty of signing the Commissions mentioned in Sections 22 and 44 of the High Courts' Criminal Procedure Amendment Act, 1865.

Preamble.

Whereas it is expedient to relieve the Governor-General of India in Council from the duty of signing the Commissions respectively mentioned in Sections 22 and 44 of "The High Courts' Criminal Procedure Amendment Act, 1865;" It is enacted as follows :—

Seal to be made.

1. A seal shall be made at the expense of the Government of India with this inscription, "The Seal of the Governor-General of India in Council," and shall be kept in the custody of such person as the Governor-General of India in Council shall from time to time appoint in that behalf, and the Commissions respectively mentioned in Sections 22 and 44 of "The High Courts' Criminal Procedure Amendment Act, 1865," may be stamped with such seal by such person as the Governor-General of India in Council shall from time to time appoint in that behalf; and when so stamped shall be equally valid and effectual as if they had been signed by the Governor-General of India and the Members of his Council.

Stamping of Commissions under Act No. XIII of 1865, Sections 22 and 44.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 23rd March 1866, and is hereby promulgated for general information :—

ACT No. XVII OF 1866.

An Act to provide for the establishment of a Public Museum at Calcutta.

Preamble.

Whereas it is expedient to provide for the establishment of a Public Museum at Calcutta, to be called the Indian Museum ; It is enacted as follows :—

Building to be erected for Indian Museum.

1. The Governor-General of India in Council shall cause to be erected at the expense of the Government of India, a suitable building in Calcutta, on or near the site now occupied by the Small Cause Court, to be devoted in part to collections illustrative of Indian Archæology and of the several branches of Natural History, in part to the preservation and exhibition of

other objects of interest, whether historical, physical, or economical, in part to the records and offices of the Geological Survey of India, and in part to the fit accommodation of the Asiatic Society of Bengal and to the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings and other property.

Building to be erected according to plans approved by the Secretary to the Department of Public Works and the Council of the Asiatic Society.

2. The said building shall be constructed according to such plans and specifications as shall have been approved of and agreed upon by and between the Secretary to the Government of India in the Public Works Department for the time being and the Council of the said Society; and in case the said Secretary and Council shall be unable to agree with reference to any such plans or specifications, the point or points on which they shall so disagree shall be referred to the final decision of the Governor-General of India in Council. Such building shall be completed, so far as to be in a condition to receive the collections mentioned in Section 11 of this Act, within five years from the date of the passing of this Act; and the Government of India shall keep the building in repair, and pay and defray the salaries, allowances and pensions of the officers and servants, and all other expenses connected with the said Indian Museum.

Trustees of the Indian Museum incorporated.

3. The Chief Justice of the High Court of Judicature at Fort William in Bengal,

the Bishop of Calcutta,

the Vice-Chancellor of the University of Calcutta,

the Secretary to the Government of India in the Home Department,

four other persons to be nominated by the Governor-General of India in Council,

the President of the Asiatic Society of Bengal and three other Members of the said Society for the time being, to be nominated by the Council of the said Society,

the Superintendent of the Geological Survey of India,

and their successors, appointed as hereinafter directed and subject to the provisions hereinafer contained, shall be and are hereby constituted a Body Corporate by the name of the "Trustees of the Indian Museum," and shall have a common seal, and by such name shall have perpetual succession; and all the powers of the said Corporation may be exercised so long and so often as there shall exist five Members thereof.

Trustees empowered to receive bequests, donations and subscriptions.

4. It shall be lawful for the said Body Corporate to receive bequests, donations and subscriptions of land, buildings, money and any such objects of interest as aforesaid, and to hold the same and to lay out such money for the purposes of the said Indian Museum in the improvement and enlargement of the collections deposited in, presented to or purchased for the said Museum, and all such collections shall become the property of the said Body Corporate for the purposes of their Trusts herein mentioned; and the said Body Corporate shall have the exclusive possession, occupation and control, for the purposes of such Trusts, of the said building, other than those portions thereof which upon its completion shall be set apart by the said Body Corporate for the records and offices of the Geological Survey of India, and for the accommodation of the said Society, and the reception of their Library, Manuscripts, Maps, Coins, Busts, Pictures, Engravings and other property.

Ex-officio Members.

5. The persons for the time being holding the offices respectively mentioned in Section 3 of this Act shall be ex-officio Members of the said Body Corporate, and shall cease to be such Members respectively upon ceasing to hold the said offices respectively.

Provision in case of two offices being held by one person.

In the event of any two of the said offices being held by the same person, it shall be lawful for the Governor-General of India in Council from time to time to nominate such other person as to him may seem fit, to be a Trustee under this Act so long as the said two offices shall be held by one person. Provided that when and so often as the said Chief Justice, Bishop, Vice-Chancellor, Secretary to the Government of India in the Home Department, or Superintendent of the Geological Survey of India shall also be the President of the said Society, the Council of the Society may nominate any other person being a Member of the Society to be a Trustee under this Act so long as such Presidency shall be held by the said Chief Justice, Bishop, Vice-Chancellor, Secretary or Superintendent.

Power to appoint new Trustees.

6. If any of the said Trustees to be nominated by the Governor-General of India in Council or by the Council of the said Society, or any Trustee appointed as herein provided, shall die or be absent from India for a period exceeding twelve months, or desire to be discharged, or refuse or become incapable to act, then and in every such case it shall be lawful for the Governor-General of India in Council or the Council of the said Society, as the case may be, to appoint a new Trustee in the place of the Trustee so dying or being absent from India or desiring to be discharged or refusing or becoming incapable to act as aforesaid, and every Trustee so appointed shall thereupon become and be a Member of the said Body Corporate as fully and effectually as if he had been hereby constituted a Trustee.

Quorum.

7. At all meetings of the said Body Corporate, five shall be a quorum for the transaction of business and for the exercise of any of the powers conferred upon them by this Act.

Power to Trustees to make, alter and repeal bye-laws and to appoint officers and servants.

8. It shall be lawful for the said Body Corporate from time to time to make, alter and repeal bye-laws consistent with this Act for the management of the said Museum, for the summoning, holding and adjournment of General and Special Meetings of Members of the Body Corporate, for securing the attendance of the

Members at such meetings, for the provision and keeping of minute books and account books, for the compiling of catalogues and for all other purposes necessary for the execution of their Trust. And all officers and servants, salaried or otherwise, employed in the care or management of the Trust property shall be appointed, and may be removed or suspended by the said Body Corporate, subject to such regulations and conditions as such Body Corporate shall think proper, and such officers and servants shall be considered public servants within the meaning of the Indian Penal Code.

Trustees may exchange or sell duplicates.

9. It shall be lawful for the Trustees from time to time, to order any duplicates of printed books, medals, coins, specimens of Natural History or other curiosities to be exchanged for manuscripts, books, or other objects of interest, or to direct any such duplicates to be sold and the money to arise from such sale to be laid out in the purchase of manuscripts, books, maps, medals, coins, specimens of Natural History or other curiosities that may be proper for the said Museum.

Trustees shall furnish annual reports and accounts.

10. The said Trustees shall furnish to the Government of India, on or before the first day of December in each year, a report of their several proceedings, acts, and ordinances for the past twelve months, and further shall furnish on or before the same day in each year to such Auditor as the Governor-General of India in Council shall appoint in this behalf accounts of all monies expended by the Trustees during the past twelve months supported by the necessary vouchers. The said report and accounts shall be annually published for general information.

Asiatic Society to remove their collections to the new building.

11. The Council of the said Society shall cause the collections belonging to the Society and illustrative of Indian Archæology and the several branches of Natural History, and all additions that may be made thereto, whether before or after the time next hereinafter mentioned, to be removed to and deposited in the said building, at the expense of the Government of India, as soon as the same shall be completed so far as aforesaid.

The Asiatic Society to retain their Library, &c., and the Council of the Society to have exclusive possession of the portions of the new building to be set apart for the Society.

12. The said Society shall continue to have the same exclusive property in and control over their said Library, Manuscripts, Maps, Coins, Busts, Pictures and Engravings, which they at present possess, and the Council of the said Society shall have the exclusive possession, occupation and control, for the purposes of the said Society, of those portions of the said building which shall, upon its completion, be set apart for the accommodation of the said Society and the reception of their Library and other property mentioned in Section 4 of this Act.

Collections of Asiatic Society to be kept distinguished in the Museum.

13. Every article in the collections and additions mentioned in Section 11 of this Act shall be marked and numbered and shall (subject to the provisions contained in Sections 9, 14 and 15 of this Act) be kept and preserved in the said Indian Museum with such marks and numbers, and an inventory of such articles shall be made by the said Society, and, on such articles being deposited as aforesaid, one copy of such inventory shall be signed by the said Trustees, and kept by the said Society, and another copy shall be signed by the Council of the said Society, and kept by the said Trustees. All objects taken in exchange under Section 9 of this Act for, and all monies payable on sale under the same Section of, any of such articles, shall be held on trusts and subject to powers and declarations corresponding as nearly as may be with the trusts, powers and declarations by this Act limited and declared concerning the same articles.

Custody of the collections of the Asiatic Society until completion of the new building.

14. Until the said building shall be completed so far as aforesaid, the said collections of the said Society and all additions that may be made thereto in the mean time shall remain in the house in which they are at present, but under the care of such persons as by the Trustees shall be approved and nominated in this behalf, with such salaries and allowances as, subject to the approval of the Government of India, the Trustees shall limit and direct; and the said collections and additions shall be open to all persons desirous to view the same, under such rules as by the said Trustees shall be established, and the said salaries and allowances shall be paid by the Government of India.

In case of determination of Trust, Asiatic Society may reclaim their collections.

15. In the event of the Trust hereby constituted being determined, all collections then in the said Indian Museum, other than those next hereinafter mentioned, shall become the property of the Government of India, and the collections and additions mentioned in Section 11 of this Act shall become the property of the said Society or their assigns; and the said Society shall vacate the portions of the said building which shall have been set apart as in the twelfth Section of this Act is mentioned; and such portions shall then become the property of the Government of India, anything in this Act contained to the contrary notwithstanding.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 23rd March 1866.

No. 10 OF 1866.

A Bill to extend the Indian Marriage Act, 1865, *to the Hyderabad Assigned Districts.*

Preamble.

Whereas it is expedient to extend the provisions of the Indian Marriage Act, 1865, to the Christian British subjects of Her Majesty within the Hyderabad Assigned Districts; It is enacted as follows :—

Indian Marriage Act, 1865, to extend to Christian British subjects in the Hyderabad Assigned Districts.

1. From and after the passing of this Act, the Indian Marriage Act, 1865 shall, so far only as regards Christian British subjects of Her Majesty, extend to the Hyderabad Assigned Districts.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to extend, under the powers conferred on the Indian Legislature by Statute 28 Vic., cap. 17, the Indian Marriage Act, 1865, to the Christian British subjects of Her Majesty in the Hyderabad Assigned Districts.

There are three classes of persons in those Districts who were, until lately, altogether unprovided with a marriage-law: 1*st*, Native Christians being subjects of the Nizam, 2*nd*, Christian British subjects resident within the Districts, and, 3*rd*, Christians there resident, who are neither subjects of Her Majesty nor of the Nizam. For the first class, the Governor-General in Council, as representing the Nizam, has already provided by issuing an executive order applying Part V of the Act. The present Bill, if it become law, will provide for the second class. The marriage law of members of the third class is probably that of their domicile of origin, and when any question as to such law arises general principles will be applied thereto.

H. S. MAINE.

The 7th March 1866.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

Erratum.

In the Post Office Act 1866, published in the *Gazette* of the 24th March 1866.

Section 60, line 11—for "14 or 62," read "14, 16 or 43."

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept (Legislative).

HOME DEPARTMENT.

No. 2896.

Fort William, the 24th March 1866.

NOTIFICATIONS.

Mr. Wilmot Lane, of the Civil Service, is permitted to proceed to Europe on furlough for a period of two years, from the date of embarkation.

No. 2966.

The 26th March 1866.

Lieutenant H. L. Smith, R. A., is appointed a Probationary Assistant in the Revenue Survey Department.

No. 2977.

The 27th March 1866.

The Reverend H. B. Burney, of the Bengal Ecclesiastical Establishment, has been permitted by the Secretary of State to retire from the service from the 3rd January 1866.

No. 2978.

An extension of leave on medical certificate has been granted by the Right Hon'ble the Secretary of State to the Reverend Thomas Moore, of the Bengal Ecclesiastical Establishment.

No. 3014.

The 28th March 1866.

The privilege leave granted by the Chief Commissioner, British Burmah, to Surgeon Major D. T. Morton, Senior Medical Officer of the Settlement at Port Blair, for two months, commencing from the 22nd February last, is confirmed.

No. 3016.

Mr. G. D. Anderson, Assistant Superintendent of Police, British Burmah, obtained privilege leave of absence from 23rd December 1865 to 6th January 1866.

No. 3018.

Captain C. F. Sharpe, District Superintendent of Police, Gonda, returned on the 3rd instant from the privilege leave granted him on the 12th January last.

No. 3020.

Lieutenant Colonel D. G. Robinson and Major T. G. Glover have reported that they respectively made over and received charge of the Office of Director General of Telegraphs in India on the afternoon of the 22nd instant.

No. 3043.

The Right Reverend the Lord Bishop of Calcutta has granted one month's privilege leave to the Reverend Mr. Parish, Chaplain of Moulmain, with effect from the date on which he may avail himself of it.

Home Department.

LEGISLATIVE.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1866, and is hereby promulgated for general information :—

ACT No. XVIII OF 1866.

An Act to alter the Customs duty on the export of Saltpetre.

Preamble. Whereas it is expedient to alter the duty of Customs on Saltpetre exported by Sea from any port in British India; It is enacted as follows :—

New Schedule of Export duties substituted for Schedule B to Act No. XXV of 1865.

1. In lieu of the Schedule B annexed to Act No. XXV of 1865 (*to amend the Law relating to the duties of Customs on Goods exported and imported by Sea*) the following Schedule shall be substituted (that is to say) :—

SCHEDULE B.

Rates of duty to be charged upon goods exported by Sea to any Foreign Port as defined in The Consolidated Customs' Act from any Port in British India.

1.	Bullion and Coin	Free.
2.	Precious Stones and Pearls	"
3.	Horses and other living animals	"
4.	Rum	"
5.	Spirits	"
6.	Tobacco and all preparations thereof	"
7.	Cotton Wool	"
8.	Flax	"
9.	Hemp	"
10.	Books	"
11.	Maps, Prints, and Works of Art	"
12.	Teak Timber	"
13.	Coal	"
14.	Iron	"
15.	Jute	"
16.	Coffee	"
17.	Tea	"
18.	Sugar	"
19.	Wool	"
20.	Hides and Skins, raw	"
21.	Raw Silk and Silk Chussum	"
22.	Grain and Pulse	two annas the Indian maund of forty seers of eighty tolahs to the seer.
23.	Indigo	three Rupees the Indian maund of forty seers of eighty tolahs to the seer.
24.	Lac Dye and Shell Lac	four per cent. *ad valorem.*
25.	All country articles not enumerated or named above	three per cent. *ad valorem.*

This Act to be read with Act No. XXV of 1865.

2. This Act shall be read with, and taken as part of, Act No. XXV of 1865.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th March 1866, and is hereby promulgated for general information :—

Act No. XIX of 1866.

An Act to enhance the price of Salt manufactured and sold under the orders of the Governor of the Presidency of Fort Saint George in Council.

Preamble. Whereas it is expedient to enhance the price of Salt manufactured and sold under the orders of the Governor of the Presidency of Fort Saint George in Council for consumption in that Presidency; It is enacted as follows :—

New Section substituted for Section 43 of Act No. VI of 1844.

1. Section 43 of Act No. VI of 1844 is hereby repealed, and in lieu thereof the following Section shall be substituted (that is to say) :—

XLIII.—The price to be paid to the Government of the Presidency of Fort Saint George, for Salt manufactured and sold under the orders of the Governor of the Presidency in Council for consumption within the Territories subordinate to the same Presidency shall, from and after the passing of this Act, be one Rupee and eleven annas for every three thousand two hundred tolahs weight of Salt.

This Act to be read with Act No. VI of 1844.

2. This Act shall be read with, and taken as part of, Act No. VI of 1844.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

No. 3044.

Mr. W. H. MacGowan, Post Master of Calcutta, has obtained six months' leave of absence on medical certificate, with effect from the 1st of April.

Mr. E. R. Douglas is appointed to officiate as Post Master of Calcutta during Mr. MacGowan's absence.

No. 3047.

His Excellency the Viceroy and Governor General in Council is pleased to appoint the undermentioned Native gentlemen in the Central Provinces to be Honorary Magistrates, and to invest them with the powers of a Subordinate Magistrate, 2nd Class, to be exercised within the limits noted opposite their names:—

Abdool Ghunnee in the city of Boorhanpore and within the rural limits of the Boorhanpore Police Station, Nimar District.

Phokur Dass, in the town of Pandoorna and within the limits of the Pandoorna Police Station, Chindwara District.

No. 3049.

Lieutenant J. Herschel, R. E., 1st Assistant, Great Trigonometrical Survey of India, is granted two mouths' privilege leave, with effect from the 1st March 1866.

No. 3051.

Erratum.—In Notification of this Department, No. 5346, dated the 23rd of December last, for "in the District of Lucknow" read "in the Oonow and Roy Bareilly Districts."

No. 3056.

The 29th March 1866.

One month's preparatory leave, with effect from the 25th instant, is granted to Mr. F. R. Hogg (who has been allowed a furlough) in order to enable him to reach the port of embarkation.

No. 3058.

The Governor General in Council is pleased to permit Lord William Hay to resign the Civil Service from the date of the expiration of his leave of absence.

No. 3080.

Mr. A. Thomas, Civil Surgeon of Kyouk Phyoo, has obtained leave of absence, on medical certificate, for six months, in extension of the leave granted to him on the 7th of August last.

No. 3082.

Surgeon S. C. Townsend, Civil Surgeon, Nagpore, is appointed to officiate as Inspector of Jails, Central Provinces, in addition to his own duties, during the absence of Dr. R S. Abbott on the privilege leave granted to him in Notification No. 2257, dated the 9th instant.

No. 3098.

Notification No. 1826, dated the 23rd of February, is cancelled, and it is hereby notified that the Governor General in Council has been pleased to permit Mr. Coryton, Barrister-at-law, to resign the office of Recorder at Rangoon and Moulmein from the 8th March, and has re-appointed Dr. Clarke to the appointment from that date.

Dr. W. H. Clarke subscribed the usual declaration, and assumed charge of the office from Mr. Coryton on the forenoon of the 8th of March.

No. 3100.

The Governor General in Council is pleased to invest Mr. F. Macnaghten, Judge of the Small Cause Court at Jubbulpoor, with the powers of a Deputy Commissioner as described in Act XIV of 1865.

No. 3105.

Mr. G. A. Pepper, of the Civil Service, is permitted to proceed to Europe on furlough for a period of three years, from the date of embarkation.

E. C. BAYLEY,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

MILITARY.

No. 52.

Fort William, the 26th March 1866.

The leave granted to Major H. Forbes, Commanding the Bhopal Battalion, in G. O. No. 21, dated 14th ultimo, is to commence from the 22nd January last, instead of the 22nd February as therein notified.

No. 54.

The 29th March 1866.

Captain C. H. Clay, 2nd in Command of the Deolee Irregular Force, has been granted leave on private affairs from the 24th to the 26th January 1866, in extension of the privilege leave granted him in G. O. No. 367, dated 12th December 1865.

No. 55.

Major A. M. Mackenzie, Commandant of the Meywar Bheel Corps and Political Superintendent of Hilly Tracts, Meywar, is granted leave of absence for one month, from the 1st April next, to proceed to Bombay, preparatory to applying for leave to Europe on medical certificate.

Major F. L. Mackeson, 2nd in Command, Meywar Bheel Corps, and 2nd Assistant to the Political Agent in Meywar, is appointed to officiate as Commandant of the Corps and Political Superintendent of Hilly Tracts, during the absence on leave of Major Mackenzie.

GENERAL.

No. 468.

The 26th March 1866.

Captain T. G. Clarke, Deputy Superintendent of the Hussun District, is appointed to act as Secretary to the Commissioner of Mysore from the 1st February 1866.

No. 470.

Mr. W. Lane, Officiating Deputy Commissioner of Lucknow, availed himself, on the afternoon of the 7th instant, of the privilege leave granted to him in G. O. No. 260, dated 16th February last.

Major J. A. Steel of the Bengal Staff Corps will officiate as Deputy Commissioner of Lucknow during the absence of Mr. Lane, on leave.

No. 472.

Major J. F. MacAndrew, Deputy Commissioner and Settlement Officer of Roy Bareilly, is appointed to officiate as Secretary to the Chief Commissioner of Oude from the 19th instant.

No. 474.

Surgeon M. W. Mott, in medical charge of the Bhurtpore Agency, is granted 15 days' leave of absence from the 19th instant, or from the date on which he may avail himself of it, to proceed to Calcutta, preparatory to applying for leave to Europe on medical certificate.

No. 476.

Mr. H. S. Boys, ssistant Commissioner, 3rd Grade, in Oudh, is appointed to officiate as Assistant Settlement Officer at Durriabad.

No. 478.

Lieutenant P. W. Powlett, Assistant Commissioner, Akolah District, is granted privilege leave of absence for one month, from the 25th instant, for the purpose of appearing before the Medical Board at Bombay.

No. 480.

Mr. C. J. Wingfield, C. B., made over charge of the office of Chief Commissioner of Oudh to Mr. J. Strachey on the afternoon of the 17th instant.

No. 481.

The under-mentioned Covenanted and Uncovenanted Civil Servants have been granted, by the Right Hon'ble the Secretary of State for India, extensions of leave for the periods specified below:—

Covenanted.

Mr. C. J. Powlett ... ... 6 months.

Uncovenanted.

Mr. R. Berkeley ... ... 6 months.
„ J. Lincoln ... ... 6 „

No. 488.

The 27th March 1866.

Mr. A. H. Harington, Assistant Commissioner, 3rd Grade, Lucknow, is appointed to officiate as Junior Secretary to the Chief Commissioner of Oudh, vice Mr. H. J. Sparks, with effect from the 20th instant.

No. 490.

Captain C. W. Street, Deputy Commissioner, 4th Grade, in British Burmah, is appointed to officiate as a Deputy Commissioner of the 3rd Grade, vice Captain C. P. Hildebrand.

No. 502.

The 29th March 1866.

Six months' extension of leave, on medical certificate, has been granted by Her Majesty's Secretary of State for India to Mr. G. Knox of the Punjab Uncovenanted Service.

No. 504.

The sick leave for two months granted to Mr. Ruttonjee Jamasjee, Extra Assistant Commissioner, Akolah District, in G. O. No. 256, dated 16th ultimo, is extended to the 10th June 1866.

No. 506.

Mr. E. O. Bradford, Deputy Commissioner and Settlement Officer, Hurdui, will officiate as Commissioner of the Hyderabad Division, vice Mr. St. George Tucker, as a temporary arrangement.

No. 508.

Mr. G. A. Boswell, Extra Assistant Commissioner at Hyderabad, has been granted leave to Europe, on medical certificate, for 12 months, with effect from the 14th instant, the date on which he reported his departure from Bombay by the Steamer "Malta."

No. 510.

Mr. C. H. Campbell is appointed to officiate as Agent to the Governor General at Moorshedabad, during the absence on leave of Mr. W. B. Buckle.

No. 512.

Captain P. A. Elphinstone, Superintendent, Revenue Survey and Assessment in the Hyderabad Assigned Districts, has been granted privilege leave of absence for one month to proceed to Bombay, from the date on which he may avail himself of it.

No. 521.

The services of Dr. A. V. Ward, Officiating Residency Surgeon at Indore, are replaced at the disposal of the Government of Bombay at his own request.

W. MUIR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

No. 1556.

Fort William, the 29th March 1866.

Read the under-mentioned correspondence on the subject of revising the Tariff valuations of articles liable to an *ad valorem* duty, and of maintaining an uniform Tariff for all India:—

Letter from Government, Bengal, dated 6th August 1865, No. 707.

Office Memorandum to Home Department, dated 18th September 1865, No. 2389.

Office Memorandum from Home Department, dated 21st and 25th September 1865, Nos. 3152 and 3284.

Letter to Governments, Madras and Bombay, dated 19th October 1865, No. 2996.

Letter from Government, Bombay, dated 3rd January 1866, No. 17.

Letter from Government, Madras, dated 24th February 1866, No. 511.

RESOLUTION.—The Governor General in Council considers that it will be advisable to institute a thorough revision of the existing Tariffs of valuations, and that the revision should be conducted on a plan which will admit of uniform Tariffs being retained for all India.

For this purpose, His Excellency in Council is pleased to direct that a Committee should be formed at Calcutta, consisting, with the appreval of the Lieutenant Governor, of the Collector of Customs, Calcutta, and the Junior Secretary to the Board of Revenue on the part of the Government, and a Member from each Presidency, to represent its respective interests. The Governments of Madras, Bombay, and Bengal should each nominate a Member to serve on the Committee, or to communicate with the Committee in Calcutta.

The points to which attention should be given by this Committee for revision of the Tariffs are—

1st.—The adjustment of a set of valuations applicable to India generally;

2nd.—A new classification and consolidation of the enumerated articles; and

3rd.—The removal to the Free List of petty articles which neither yield, nor are likely to yield, any appreciable revenue.

With regard to the second point, the revised classification lately proposed by Mr. Crawford, the present Collector of Customs, should be considered, and care should be taken in considering the third, that no articles are recommended for transfer to the Free List which are few in number, chiefly because they are articles of luxury, the levy of Customs on which cannot be held to be productive of any hindrance to business.

ORDER.—Ordered, that the foregoing Resolution be communicated to Governments, Bengal, Madras, and Bombay, and be published in the *Gazette of India.*

No. 1557.

NOTIFICATION.

Mr. H. D. Sandeman, Accountant General, Government of Bengal, to be a Director of the Bank of Bengal, during the absence of the Government of India at Simla, or until further orders.

E. H. LUSHINGTON,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 24th March 1866.

No. 294 *of* 1866.—In continuation of Government General Order No. 734, dated 9th September 1864, His Excellency the Governor General in Council is pleased to direct that the standard and tests for Degrees of Honor and Certificates of High Proficiency in Arabic, Sanskrit, and Persian, shall be republished; that the books herein below mentioned (para. III) shall, until further orders, be the test books in the various languages in which examinations are held under Clause VIII of the order above referred to; and that, with the view of removing certain doubts which are believed to exist regarding examinations in the Oriental languages, the following additional rules shall be laid down:—

The following is the test for a Degree of Honor.

I.—Construing with readiness and accuracy from the under-mentioned books:—

1. In Arabic ... 1. Hammásah. 2. Taimúr Námah. 3. Maqámát-i Harírí.

2. Sanskrit ... 1. Virácharita. 2. Kiratarjuníya. 3. Sakuntallah.

3. Persian ... 1. Akhláq-i Juláli. 2. Inshá-i Abul-fuzl. 3. Sikandar Námah. 4. Diwán-i Háfiz.

2. Translating into English with accuracy about two octavo pages, one in prose and the other in poetry, selected from some difficult work, not being a test book.

3. Translating a difficult passage from English, with accuracy, elegance, and neatness of expression, and perfect correctness of Spelling and Grammar.

4. Conversing with idiomatic accuracy and fluency.

Examinations for a Degree of Honor will be of a searching nature, and the exercises, both oral and written, must be performed with such excellence as distinctly to establish a claim to eminent proficiency. The colloquial test in Sanskrit and in Arabic, except in the Bombay Presidency, may be omitted.

II.—The following is the test for a Certificate of High Proficiency.

1. Construing with readiness and accuracy from the under-mentioned books:—

1. In Arabic ... 1. Ikhwán us Safa. 2. Nafhat-ul Yaman.

2. In Sanskrit ... 1. Hitopodesha. 2. Raghuvansa.

3. In Persian ... 1. Gulistan. 2. Bostan. 3. Anwár-i Soheilí.

2. Translating into English with accuracy a passage of moderate difficulty of about half an octavo page in length, not taken from the test books.

3. Translating accurately and idiomatically, and with accuracy of Grammar, into the language in which the examination is held, an English paper of moderate difficulty.

4. Translating in like manner a paper of English sentences.

III.—The following are the test books in the several languages to be used in examinations held under Clause VIII of Government General Order No. 734, 9th September 1864. They must be construed with readiness and accuracy:—

1.	In Arabic	...	1. Ajab-ul Ajab. 2. Nafhat-ul Yaman (1st part).
2.	In Sanskrit	...	Ruja Pàtha.
3.	In Persian	...	1. Iqd-i-Gul. 2. Iqd-i-Manzúm.
4.	In Bengali	...	1. Nobonári. 2. Rajdút.
5.	In Burmese	...	1. Latter's Selections. 2. Waythan-da-ra.
6.	In Assamese	...	Manuscript records in the Vernacular.
7.	In Punjabee	...	Geography of the Punjab (Vernacular). The Janam Sakhi of Nanuk.
8.	In Pushtu	...	1. Tarikh-i-Murassaœ. 2. Fawaid ush-Shariœah. 3. Kalilah wo Dumnah. 4. The Dewan of Abdul Rahman. 5. The Dewan of Khusal Khan. 6. Yusuf wo Zulaika. } As given in Raverty's gulshan-i-roh.
9.	Ooriya	...	1. Hitopadesha. 2. Batris Singhasum.
10.	Guzerathi	...	1. Balmitra—Vol. I. 2. Hope's Series—part 7.
11.	Mahrathi	...	1. Balmitra—Vol. 1. 2. Mooktamala.
12.	Canarese.	Madras	1. Kuthamanjari. 2. Adachi Sooba Rans Canarese Selections.
		Bombay	1. Æsop's Fables. 2. Selections from McCullock's Series of Lessons and Moral Class Books.
13.	Tamil	...	Kathamanjari.
14.	Telugu	...	Telugu Selections, excluding Vemana Veroes.
15.	Malayalum	...	1. Pathamala—part 1 to page 72 inclusive. 2. Panchatantara, Book I.
16.	Sindhi	...	1. Æsop's Fables. 2. Iasni punshu.

IV.—Examinations for Degrees of Honor and Certificates of High Proficiency, and examinations in Arabic, Sanskrit, and Persian, under Rule VIII, will take place only at the Presidency Towns. Examinations by the Higher and Lower Standards [see Rule X] and in the other languages under Rule VIII will, ordinarily, be held in the interior, as has hitherto been the practice in P. H. and Interpreters' examinations, except in cases where facilities for the purpose are not available. The examination in Bengali, Guzerathi, Mahrathi, Canarese, Tamil, Telugu, and Malayalum will be conducted in the same manner as examinations by the Higher Standard are directed to be. Examinations in Assamese, Punjabee, Pushtu, Burmese, Ooriya, and Sindhi, will be conducted by Standing Committees appointed by the Governments of Madras and Bombay, and, with the sanction of the Government of India, by the local Governments and Administrations immediately subordinate to it. All proceedings of such Committees are to be submitted through the Boards of Examiners of the respective Presidencies, who, to insure uniformity, will furnish the Committees with the necessary instructions and forms of reports, and will record the results, reporting all successful examinations to the proper department for publication in Government or Army General Orders and local Gazettes, as the case may require.

V.—An Officer may present himself for examination in any language under Rule VIII without passing in Hindustani, either by the Lower or Higher Standard.

VI.—An Officer who has passed the Interpreter's examination in any language, may present himself for examination for a Certificate of High Proficiency in that language, without passing an examination by the Higher Standard, or under Rule VIII, but in no other.

For the purposes of this rule, Hindustani in the Bengal Presidency shall include Urdu and Hindee, but in the Madras and Bombay Presidencies only Urdu.

VII.—Any Officer having passed only the colloquial examination or any examination for which he has not received any Munshi allowance, will, on passing by the Lower Standard, be entitled to receive the prescribed allowance of Rs. 180, or, on passing by the Higher Standard, a further allowance of the same amount—both sums may, as heretofore, be passed at a single payment to an Officer passing the Higher Standard in the first instance.

VIII.—Officers who have passed by the standards heretofore known as P. H., Staff, and Adjutant's examinations, or any examination of a lower grade than that of Interpreter, cannot present themselves for examination for a Certificate of High Proficiency in Hindustani, without having first passed by the Higher Standard; though in other respects all Officers having passed the P. H. examination in the Bengal Presidency, under the old rules, are considered in the same position as those who have passed by the Higher Standard under the new, with the exception that they cannot hold the Interpretership of a British Regiment on the full staff salary of the appointment.

IX.—The orders of the 9th September 1864 supersede all previously existing rules regarding the examination of Military Officers in the Oriental languages.

X.—In future the 1st and 2nd Standard will be known as the Lower and Higher Standard, and will be indicated in the Army List and elsewhere by the letters L. S. and H. S. respectively.

The 26th March 1866.

No. 295 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment :—

Captain (Brevet Major) F. W. Graham, of the Bengal Staff Corps, 2nd in Command and Squadron Officer, 6th Cavalry, to officiate as 3rd Assistant Secretary to the Government of India, in the Military Department, until further orders.

The 27th March 1866.

No. 296 *of* 1866.—Surgeon Major Christopher Beadnell Craske, of the Madras Medical Establishment, in Medical charge of the 10th Regiment Madras Native Infantry, is allowed leave of absence from the 15th January to the 15th May 1866, to visit Bombay, preparatory to applying for leave to Europe on medical certificate under the old Regulations.

No. 297 *of* 1866.—The services of Lieutenant H. T. DeLousada, of the late 51st Madras Native Infantry, Quarter Master, 10th Madras Native Infantry, are placed at the disposal of the Foreign Department.

No. 298 *of* 1866.—The under-mentioned out-pensioner having been permitted to reside and draw his stipend at this Presidency, payment of pension is to be made and charged accordingly :—

	Rate of pension.
Sergeant Major John Stroud, an out-pensioner of the Royal Hospital at Chelsea, from the late East India Company's Regiment of Artillery.	2*s.* 6*d.* (two shillings and six pence) per diem, paid up to the 31st December 1865.

No. 299 *of* 1866.—In Government General Order No. 136 of the 12th February 1866, for Private William *Haydoun* read Private William *Haydon.*

Order books to be corrected accordingly.

No. 300 *of* 1866.—Under instructions from the Right Hon'ble the Secretary of State for India, His Excellency the Governor General in Council is pleased to cancel Government General Order No. 395 of 13th April 1865. The names of the Officers mentioned therein will accordingly be restored to the general lists of Cavalry and Infantry in the positions assigned to them in Government General Order No. 868 of 4th November 1864.

No. 301 *of* 1866.—The following orders issued by the Government of Bombay are confirmed :—

Granting leave of absence to Europe on medical certificate to the under-mentioned Officers :—

No. 159 *of the* 10*th March* 1866.—Major George Morey Battye, of the Bengal Staff Corps, Post Master General, North-Western Provinces.	For 20 months.
No. 164 *of the* 12*th March* 1866.—Lieutenant Wynyard Battye, of the late 65th Regiment Native Infantry, Adjutant, Meywar Bheel Corps.	For 15 months.
No. 165 *of the* 12*th March* 1866.—Captain Francis Howell Jenkins, of the Bengal Staff Corps, 2nd in Command and Wing Officer, Corps of Guides.	For 20 months.

No. 302 *of* 1866.—The under-mentioned Officers have reported their departure on the duties specified opposite their respective names :—

Major G. M. Battye, Bengal Staff Corps, Post Master General, North-Western Provinces, on leave for twenty months, Government General Order No. 301, dated 27th March 1866.	"Malta," 14th March 1866.
Lieutenant W. Battye, late 65th Regiment Native Infantry, Adjutant, Meywar Bheel Corps, on leave for fifteen months, Government General Order No. 301, dated 27th March 1866.	
Lieutenant T. Kinahan (Unattached), Barrack Master, Hazareebaugh, on leave for twenty months, Government General Order No. 132, dated 9th February 1866.	"City of Berlin," 16th March 1866.

No. 303 *of* 1866.—The under-mentioned Officers are permitted to proceed to Europe on leave of absence on sick certificate :—

Captain Henry St. George Tucker, of the late 29th Regiment Native Infantry.	For 20 months, under the new Regulations.
Major John Perkins, of the Bengal Staff Corps, Deputy Commissioner, 2nd Class, Sultanpore, Oude.	For 20 months.
Lieutenant Hugh Wilson Williams, of the late 64th Regiment Native Infantry.	For 20 months, under the new Regulations.
Lieutenant Harvey Woodhouse, of the late 62nd Regiment Native Infantry, Quarter Master, 42nd (Assam) Regiment Light Infantry.	For 20 months, under the new Regulations.
Apothecary George Hart, of the Subordinate Medical Department.	For 18 months.

The 28th March 1866.

No. 304 *of* 1866.—Under instructions from the Right Hon'ble the Secretary of State for India, the Governor General in Council is pleased to notify that, when Brigade Commands are held by Regimental Colonels who retain the old rate of Regimental pay and allowances, they will receive, in addition to such rates, the old scale of Staff salary for these appointments, as shown in the margin.

Brigadier General, 1st Class.

	Rs. A. P.
Regimental Pay and Allowances ...	1,265 5 0
Staff Salary ...	1,070 0 0
	2,335 5 0

Brigadier General, 2nd Class.

Regimental Pay and Allowances ...	1,265 5 0
Staff Salary ...	800 0 0
	2,065 5 0

No. 305 *of* 1866.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Lieutenant Colonel C. V. Bowie, of the Royal Artillery, to officiate as Agent for Gun Carriages during the absence on leave of Major M. E. Currie, or until further orders.

The 29th March 1866.

No. 306 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Surgeon Marcus William Mott, of the Medical Department, Civil, Bhurtpore.	For 20 months, under the new Regulations.

No. 307 *of* 1866.—The following Regimental order issued to the Calcutta Volunteer Rifle Corps is confirmed:—

Dated 22nd March 1866.—Notifying the following appointment, subject to his passing the prescribed examination in drill:—

No. 6 Company.

Sergeant Henry Ronaldson to be Lieutenant, vice Lieutenant Mackenzie, resigned.

No. 308 *of* 1866.—Major W. Briggs, Sub-Assistant Commissary General, and Officiating Deputy Assistant Commissary General, is permitted to proceed to the Neilgherry Hills, on medical certificate, and to be absent from Bengal on that account for six months from the 3rd April 1866.

No. 309 *of* 1866.—The following promotion is made, subject to Her Majesty's approval:—

Corps.	Rank and Name.	To what rank promoted.	From what date.	In whose room.
Cadre of the late 49th Native Infantry.	Lieutenant (Brevet Lieutenant Colonel) George Allgood, C. B., (Staff Corps.)	Captain ...	19th March 1866	Captain (Brevet-Major) W. Irwin, deceased.

No. 310 *of* 1866.—The following promotions are made, subject to Her Majesty's approval:—

BREVET.

Rank, Name, and Corps.	To what rank promoted.	From what date.	In succession to
Major John Joseph Laurie, Bombay Infantry	Lieutenant Colonel	20th December 1865.	Lieut. Genl. G. E. Gowan, C. B., Royal (Bengal) Artillery, deceased.
Captain George Holland, Royal (Bengal) Artillery	Major ...		
Major Edward Long Grant, Madras Infantry..	Lieutenant Colonel	21st December 1865.	Lieut. Genl. D. Sim, Royal (Madras) Engineers.
Captain George Beresford Brydges Holmes, Royal (Madras) Artillery	Major ...		

No. 311 *of* 1866.—Captain Thomas Nicholl, of the Royal Artillery, 1st Class Commissary of Ordnance, is allowed leave of absence, from the 15th March 1866, to visit the Presidency, preparatory to applying for leave of absence on medical certificate to Europe.

No. 312 *of* 1866.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Major Herbert Johnston Hawes, of the Bengal Staff Corps, Deputy Commissioner of Moozuffergurh, Punjab.	For 6 months, embarking at Bombay.

No. 313 *of* 1866.—Garrison Provost Sergeant James Judge, in charge of the Military Prison, Lucknow, is promoted to the rank of Sub-Conductor.

No. 314 *of* 1866.—*Erratum.*—In the first sentence of paragraph 5 of Government General Order No. 155 of the 25th February 1864, laying down rules for the subsistence and maintenance of European Prisoners, read, "the Commissariat Department will provide the several articles *of Prisoners' rations* at the Contract rates, &c." Order books to be corrected accordingly.

The forms A and B of accounts for Regimental and Garrison Prisons, laid down in Government General Order No. 155 of the 25th February 1864, are cancelled. Amended forms approved by Government will be issued in due course to Stations and Corps for future use.

No. 315 *of* 1866.—The Governor General in Council is pleased to notify that the arrangements for the conduct of business in the Military Depart-

ment, as laid down in Government General Order No. 338 of the 15th April 1864, will again have effect during the absence this season of His Excellency and the Council from the Presidency.

Lieutenant Colonel B. E. Bacon, Officiating Deputy Secretary, will officiate as Secretary to Government in the Military Department at the Presidency.

Major A. B. Johnson, Officiating 1st Assistant Secretary, will officiate as Deputy Secretary.

H. K. BURNE, *Lieut. Colonel,*
Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENT.

No. 88.

Fort William, the 26th March 1866.

NOTIFICATIONS.

Sergeant P. Kelly, Overseer, 1st Grade, is transferred from British Burmah to the Punjab.

No. 89.

Mr. W. A Billings, Officiating Deputy Controller of Public Works Accounts, is confirmed in that rank to fill an existing vacancy in the department.

No. 90.

The 27th March 1866.

Baboo Dwarkanath Ghosal, Probationary Overseer, 3rd Grade, British Burmah, is permanently appointed to the Public Works Department in that grade, with effect from the 1st September 1865.

No. 91.

The 29th March 1866.

Mr. S. J. Simpson, Accountant, 4th Grade Oudh, has been granted one month's privilege leave, with effect from the 9th March 1866.

No. 92.

Mr. R. T. Albert, Accountant, 2nd Grade, Hyderabad, has been granted two months' privilege leave from such date as he may avail himself of it.

No. 93.

Mr. E. S. W. Dunn, appointed Accountant, 4th Grade, on probation, and posted to the Office of the Accountant General, Public Works Department, in Notification No. 9, dated 5th January 1866, is confirmed in that appointment.

No. 94.

Baboo Gopal Chunder Banerjee is appointed an Accountant, 4th Grade, and posted to the Office of the Accountant General, Public Works Department.

No. 95.

Mr. T. S. Isaac, Executive Engineer, 1st Grade, Central Provinces, is transferred to Bengal.

No. 96.

Lieutenant Colonel C. J. Hodgson, R. E., Superintending Engineer, 1st Class, 1st Grade, is transferred from Bengal to the North-Western Provinces.

No. 97.

Lieutenant Colonel G. R. Phillips, M. S. C., Executive Engineer, 3rd Grade, Central Provinces, is permitted to resign his appointment in the Public Works Department, and his services are re placed at the disposal of the Government of Madras.

REVENUE—FORESTS.

No. 3 F.

Dr. D. Brandis, Inspector General of Forests, has been granted by the Right Hon'ble the Secretary of State for India an extension, for a period of six months, of the leave, on medical certificate, for twelve months granted him in Notification No. 6 F, dated 13th April 1865.

C. H. DICKENS, *Lieut. Colonel,* R. A.,
Secy. to the Govt. of India.

ADVERTISEMENTS.

NOTICE.

The Bank of Bengal hereby gives notice that payment has been stopped at the Public Debt Office of the under-noted Government Securities which were lost during the Cyclone in the Steamer "Persia" on or about 5th October 1864.

No. 5879 of 1854-55, Public Works Loan per cent.		3,000
„ 8604 of 1854-55 of the 4 per cent.		500
„ 8605 „	„	500
„ 8607 „	„	500
„ 46744 of 1856-67 of the 5 per cent.		700

By order of the Directors,

GEO. DICKSON,
Secretary and Treasurer.

IN THE COURT FOR RELIEF OF INSOLVENT DEBTORS AT SINGAPORE.

In the matter of *John Murray Purvis*, of Singapore, Merchant, carrying on business at Commercial Square, in the Town and Island of Singapore, under the name and style of *John Purvis and Son*, and residing at Glassmount, in the District of Toah Pyoh, in the Island of Singapore, an Insolvent.

On Saturday, the 24th day of February instant, it was ordered that Friday, the 24th day of August next, be appointed for the further hearing of this matter for the purpose of making a dividend.

Any creditor or other person interested, who may intend to establish or oppose any claim upon the Estate of the said Insolvent, may attend and be heard, having given notice to the Chief Clerk three clear days before the day of hearing.

GEO. W. LE CERF,
Chief Clerk.

CHIEF CLERK'S OFFICE;
SINGAPORE,
The 28th February 1866.

Statement of Government Promissory Notes enfaced for Payment of Interest in London, showing the Total Amount outstanding according to the Registers received in this Office up to 20th March 1866.

	4 per cent. Transfer of 1865.	4 per cent. of 1824-25.	4 per cent. of 1828-29.	4 per cent. of 1832-33.	4 per cent. of 1835-36.	4 per cent. of 1842-43.	4 per cent. of 1854-55.	5 per cent. Public Works of 1854-55.	5 per cent. of 1856-57.	5½ per cent. of 1859-60.	3½ per cent. of 1853-54.	4½ per cent. of 1856-57.	Total Rs.
Amount brought forward from Statement dated 10th March 1866 ...	18,69,400	47,000	300	23,09,900	24,60,800	1,08,59,200	82,54,500	39,11,000	5,00,83,100	3,04,64,200	6,100	16,000	11,02,81,500
ADD—													
Amount enfaced at Madras as per Registers received up to date	...	...	...	...	...	7,000	...	...	...	...	...	...	7,000
Amount enfaced at Bombay as per ditto ditto ...	...	...	...	...	...	...	...	...	10,000	...	...	...	10,000
Amount enfaced at Calcutta up to date	18,400	...	...	...	...	75,000	28,000	...	47,000	2,000	...	...	1,70,400
Total ...	18,87,800	47,000	300	23,09,900	24,60,800	1,09,41,200	82,82,500	39,11,000	5,01,40,100	3,04,66,200	6,100	16,000	11,04,68,900
DEDUCT—													
Amount removed from the London Books as per Registers received up to date	1,39,300	...	...	1,700	36,500	1,56,400	89,300	...	1,58,000	2,25,800	...	...	8,07,000
Total ...	17,48,500	47,000	300	23,08,200	24,24,300	1,07,84,800	81,93,200	39,11,000	4,99,82,100	3,02,40,400	6,100	16,000	10,96,61,900

PUBLIC DEBT OFFICE,
BANK OF BENGAL,
The 23rd March 1866.

GEO. DICKSON,
Secretary and Treasurer.

NOTICE No. 86.

The Public are informed that a Government Bullock Train Establishment on a limited scale has been organized under this Department between Peerpointy and Punkabarry at the base of the Darjeeling Hills, viâ Carragolah, Purneah, Kissengunge, and Titalyah, and another between Titalyah and Santrabarry at the foot of the Buxa Dooar, viâ Mynagooree. The train is chiefly intended for the conveyance of Commissariat and other Military stores, but as it happens that the train sometimes remains idle, it is notified that goods will be received from the non-official public for conveyance by the above train at the stations named below, and that the following rates will be charged upon such goods :—

		Rs.	A.	P.
Peerpointy or Sahibgunge to Carragolah ...	per md.	0	2	0
Carragolah to Purneah ...	"	0	8	0
Purneah to Kissengunge ...	"	0	12	0
Kissengunge to Titalyah ...	"	0	12	0
Titalyah to Punkabarry ...	"	0	8	0
Peerpointy to Punkabarry ...	per md.	2	10	0
Titalyah to Santrabarry ...	"	1	14	0
Peerpointy to Santrabarry ...	per md.	4	8	0

Delivery of goods will be made at the above stations, and passengers, when there is available space, will also be carried by the train on prepayment of the charge for three maunds. Further, as the down train from Punkabarry to Carragolah is expected to return empty, country produce will be received for despatch and charged for at the following rates :—

		Rs.	A.	P.
Punkabarry to Titalyah ...	per md.	0	8	0
Titalyah to Kissengunge	"	0	6	0
Kissengunge to Purneah	"	0	6	0
Purneah to Carragolah ...	"	0	4	0
Carragolah to Peerpointy ...	"	0	2	0
Punkabarry to Peerpointy...	per md.	1	10	0

C. K. DOVE,

Post Master Genl. of Bengal.

CALCUTTA,
The 19th February 1866.

WANTED.

For the Office of the Deputy Commissioner, Roy Bareilly, a Moonsurim (Clerk of the Court), salary Rs. 150 per mensem. He must be able to translate readily and idiomatically from Urdoo into English, and *vice versâ*, and have a thorough knowledge of the Codes of Civil and Criminal Procedure. A knowledge of the Stamp Act (X of 1862) is also required.

Applications, with copies of testimonials, to be sent to the undersigned, *post paid.*

C. R. CROMMELIN,

Offg. Deputy Commissioner.

ROY BAREILLY;
OUDE,
The 23rd March 1866.

WANTED

A Naib Jailor for Motiharee Jail, who knows English and understands Accounts. Salary Rs. 20 per month. Application, with copies of testimonials as to character, and qualifications, to be sent to the undersigned :—

F. M. HALLIDAY,

Offg. Magistrate.

NOTICE.

Lost portions of Government Promissory Note No. 10305 of 26749 of 4 per cent. loan of 1854-55 for Rs. 600.

GOLAP MONEY DOSSEE.

LOST.

Halves of the following Notes :—

Nos. $\frac{A}{8}$03158, $\frac{A}{19}$49968, $\frac{A}{9}$40239, $\frac{A}{7}$41744 for Rs. 10 each and $\frac{A}{24}$04289 for Rs. 50, total Rs. 90.

M. A. BRIDGNELL,

Inspr., St. James' Street Thannah.

CALCUTTA,
The 23rd March 1866.

LOST.

First half of Currency Note for Rs. (50) fifty, No. $\frac{A}{23}$ 33368, dated 17th May 1862, in transit from Baitool to Hoshungabad.

GOBURDHUN DOSS,

Zillah Inspr. of Schools, Baitool.

BAITOOL,
The 15th March 1866.

LOST.

The second halves of Government Currency Notes No. $\frac{A}{11}$20230 for Rs. 50, and No. $\frac{A}{13}$60438 for Rs. 100.

KADER NAUTH MITTER.

LOST.

In transit between Bhundara and Nagpoor, halves of the under-mentioned Currency Notes :—

No. $\frac{A}{98}$61051 for Rs. 20.

No. $\frac{A}{17}$56710 for Rs. 10.

T. C. DUFF,

District Supt., Police, Wurdah.

The 22nd March 1866.

NOTICE.

Lost second half of the Government Currency Note No. $\frac{A}{11}$83641 for Rs. 50, dated 13th July 1861.

GOORU PERSHAD CHUCKERBARTTEE,

Residing in the house of Baboo Hur Chunder Chowdry, Nusseerabad, in Mymensing.

The 22nd March 1866.

STOLEN OR MISCARRIED.

Two first halves of Government Currency Notes Nos. $\frac{A}{13}$44687 and $\frac{A}{11}$46645 for Rs. 100 and 50 respectively.

LOST.

From the Custom House, on the 17th March 1836, the Government Currency Note No. $\frac{A}{11}$57963 for Rs. 1,000; payment has been stopped.

CALLY DASS MOOKERJEE.

LOST.

The following halves of Govt. Currency Notes:—
Second-half No. $\frac{A}{9}$ 65538, for Rupees 20.
First-half „ $\frac{A}{7}$ 48033, „ „ 10.

LOST.

A Government Promissory Note No. 14567, dated 31st March 1836, of 4 per cent. loan, for Co.'s Rs. 500.

RAMESSUR ROY CHOWDRY.

Allahabad.

NOTICE.

The following Currency Notes of the Lahore Circle having been lost, it is hereby notified that payment of the same has been stopped:—

Of Rupees 10 each.		Of Rupees 20 each.
A18—41,702	A18—41,742	A26—23,557
A18—41,704	A18—41,745	A26—23,559
A18—41,708	A18—41,746	A26—23,574
A18—41,709	A18—41,747	A26—23,577
A18—41,712	A18—41,750	A26—23,603
A18—41,713	A18—41,751	A26—23,694
A18—41,714	A18—41,754	A26—23,698
A18—41,715	A18—41,755	A26—23,699
A18—41,716	A18—41,756	A26—23,700
A18—41,717	A18—41,757	A26—23,801
A18—41,718	A18—41,759	A26—23,804
A18—41,719	A18—41,761	A26—23,805
A18—41,720	A18—41,762	A26—23,807
A18—41,721	A18—41,763	A26—23,808
A18—41,722	A18—41,764	A26—23,809
A18—41,723	A18—41,765	A26—23,812
A18—41,725	A18—41,766	A26—23,813
A18—41,726	A18—41,767	A26—23,814
A18—41,728	A18—41,771	
A18—41,731	A18—41,772	
A18—41,732	A18—41,773	
A18—41,735	A18—41,777	
A18—41,736	A18—41,778	
A18—41,739	A18—41,779	
A18—41,740	A18—41,780	
A18—41,741	A18—41,781	

L. C. PROBYN,
Accountant General, Punjab.

LAHORE,
The 7th March 1866.

BENGAL OFFICIAL ARMY LIST.

The *Bengal Official Quarterly Army List*, No. XV, corrected in the Office of the Adjutant General up to the 1st of January, is now ready. This Number contains the List of War Services of Officers. Price Five Rupees *in advance*, and eight annas extra if sent by post. Apply to

CALCUTTA,
6, Bankshall Street.
O. T. CUTTER, *Publisher.*

The Sarawuk, Jaenee, Hindustan Banking and Trading Company, "Limited."

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LALLAH DOYARAM DOSS SARAWUK CHOWDHRY, of Furrucknuggur and Calcutta, Banker and Merchant
LALLAH MOOLCHUND CHOWDRY, of Furrucknuggur, Banker.
LALLAH CHIMUN LOLL, of Jeypore and Agra, Banker.
LALLAH MOHUN LOLL, Deputy Magistrate of Noker, Saharunpore.
LALLAH BARROOMULL, of Saharunpore, Zemindar
PUNDIT SEETARAM, of Gwalior, Zemindar.

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DRAFTS.

The Company will grant and negociate Drafts on its Agencies.

RATES OF INTEREST ALLOWED.

On floating Deposits payable on demand, if not less than Rs. 500 and not more than Rs 50,000,—unless special arrangements are made,—2 per cent. per annum.

At 3 months' notice,		3 per cent.
6	do.	4 per cent.
12	do.	5 per cent.

The Bank will not honor Cheques under Rs. 25.

COMMISSION.

The Bank takes charge of Government Securities, Shares in Banks, and other Joint Stock Companies, without charge, and realizes Interest and Dividends thereon in the following terms:—

If to be remitted by the Bank's own Drafts on its Agencies, no Commission will be charged, otherwise the rate of Commission will be ¼ per cent.

On delivering up Securities from safe custody, and on the sale and purchase of Government Securities, Shares, &c., ¼ per cent. will be charged.

As a Trading Company, the Bank undertakes to purchase and sell all articles of merchandize, and will charge Commission on the net amount paid for them, or realized, at the following rates :—

On Gold, Silver, and Sovereigns, ¼ per cent.

Jewellery, Cloth, Twist, Cotton, and other articles of merchandize, 2 per cent.

The above rates will be applicable to orders from places within the limits of Hindustan; but on those from other quarters a different or increased charge will be made.

Goods when purchased will be transmitted to the address of the parties with due care, either by the Railway, or by Steamers, or otherwise, as may be requested, but at the risk of the purchasers.

Insurances if desired will be procured by the Company.

All orders for purchase should be accompanied by remittances.

Any further information as to rules of business may be obtained on application to the Manager.

All Drafts, Cheques, &c., sent for collection, are to be made payable to the under-mentioned.

Hours of business, from 10 A. M. to 3 P. M.

On Saturdays, from 10 A. M. to 1 P. M.

LALLAH DOYARAM DOSS SARAWUK CHOWDHRY,
Managing Director and Secretary.

Bye-Laws for the City of Lucknow.

The following rules for the conduct of business and execution of Act XVIII of 1864 by the Municipal Committee within the City and Suburbs of Lucknow, are, with the approval of the Chief Commissioner of Oudh, published for general information, and are to be considered in force from the 1st May 1866 :—

CONDUCT OF BUSINESS.

Meetings of Committee.

I. There will be one Meeting in every month, viz., on the third Thursday at 6 o'clock A. M., in Summer, and 7 o'clock A. M., in Winter.

Emergent or Special Meetings.

II. The President, or in his absence the Vice-President, or in the absence of both, the Secretary may, on any occasion arising, call for an Emergent Meeting by Circular, or separate summons upon not less than twelve hours' notice; but no business shall be transacted thereat other than that for which the Meeting may be called.

Postponement of regular Meetings.

III. Should occasion arise to postpone the regular Meeting, due notice must be given; otherwise the Bye-laws must be the guide of each Member.

Chairman in absence of the President.

IV. In the absence of the President, the Vice-President shall take the Chair, in the absence of both, the Meeting to elect their own Chairman.

Number of Members to form a quorum.

V. Seven Members shall constitute a quorum.

Chairman to have casting vote.

VI. The Chairman shall, in case of an equal division, have a second or casting vote.

Regulation of business.

VII. The President shall regulate the course of all business to be brought forward, and preserve order. No discussion on any points of order shall be allowed, unless the President shall think fit to take the opinion of the Members present.

Submission of point of order to President.

VIII. Any Member present may submit a point of order to the President.

Mode of proposing or discussing any estion.

IX. In proposing or discussing any question, each Member shall speak from his place, always addressing the President.

Members not to speak twice upon any motion.

X. No Members shall speak twice upon any motion or amendment, except the mover in reply.

Votes how to be taken.

XI. Votes shall be taken by a show of hands, if the mover of any question demands a poll.

Proposition or amendment to be in writing.

XII. Every proposal or amendment shall be in writing, but unless required by the President, the proposal or amendment need not be seconded.

Questions from Members how to be put.

XIII. All questions from one Member to another relating to the business of the Meeting shall be put through the President.

Meetings of Committee open to public.

XIV. The Meetings of the Municipal Committee are, as a rule, open to public, but strangers can be requested to withdraw if necessary.

Communications to be sent in a day previous to Meeting.

XV. All communications intended for the Monthly Meeting must reach the Secretary not later than noon of the day previous to any Meeting.

Correspondence to be referred to Sub-Committee concerned.

XVI. All correspondence to be referred by the Secretary to the Sub-Committee to which it belongs immediately on receipt, and their report to be made at next general Meeting through the Secretary.

Division of duties.

XVII. The division of duties shall be as follows, and Members of the Sub-Committees shall be named on the 1st May of each year, and a list containing the names of each Sub-Committee will be hung up in the Committee Office :—

1*st.*—Correspondence and Accounts.

2*nd.*—Sites, Buildings, Repairs.

3*rd.*—Drainage Conservancy, Police, and Roads.

4*th.*—Estimates.

Annual Budget

XVIII. The Sub-Committees will regulate and look after all works provided for in the Annual Budget.

Emergent works.

XIX. In all cases of exigency, the Sub-Committee shall have authority to act without immediate reference to the General Committee, if the cost does not exceed Rs. 500, provided the work is one of urgent necessity; and the Secretary, if the exigency be great, may act alone to the extent of Rs. 100, but in other cases, an Emergent Meeting at twelve hours' notice should be summoned.

Absolute sale of land.

XX. Any person desirous of purchasing, or renting ground belonging to the Committee, for building, or other purposes, shall submit a written application with plans to the Secretary, describing the locality and extent of the ground required; such application will be made over to the Sub-Committee concerned for report. In case of sale, the ground shall be measured and marked off by the Municipal Engineer, an upset price fixed, and the lot be put up to public auction, after being advertised in the local public newspapers for 15 days; such sales will be held at the Office of the Secretary, who will furnish a printed copy of the general terms of sale.

Tenants of land.

XXI. In cases of applications for land on lease, the Committee shall be at liberty to determine the maximum rent, and to select their tenant.

Rejection of application.

XXII. The Committee may reject any application for grounds, on rent or sale, without assigning reasons to the applicant, or may impose as one of the conditions, that buildings, outbuildings, and surrounding walls or enclosures, shall be of a certain character or value, and be constructed within such time as may be fixed at the time of sale or lease, subject in case of failure, to resumption of the ground or to such other penalties as may be determined on in the written agreement which shall be invariably taken. The Municipal Engineer will maintain the requisite supervision and report any breach of the conditions of the agreement, and he will further mark off all lands so leased.

Names of streets.

XXIII. The names of streets shall all be gradually put up, and any person found guilty of destroying or defacing such Indicators, shall be subject to fine.

Sub-letting of a house without permission interdicted.

XXIV. No tenant of a house holding a permanent or temporary lease from the Committee shall be allowed to sub-let without permission of the Committee first obtained.

Members of Committee not to take contracts.

XXV. No Member of the Municipal Committee shall be allowed to take any contract, or have any pecuniary interest in any contract, granted by the Committee or their Municipal Engineer.

Municipal Engineer.

XXVI. The Municipal Engineer will be the Referree of the Committee in all engineering questions, large and small, and be guided in the performance of his duties by such rules as may be framed by the Committee.

CHAPTER I.—NUISANCES.

Act XLV of 1860, Penal Code.
Act XXV of 1861, Criminal Procedure Code.
Act V of 1861, Police Act.

XXVII. In addition to the nuisances provided for by the Acts quoted in the margin, the following are now defined as local nuisances within the city of Lucknow, and prohibited under the authority vested in the Municipal Committee under Section 15, Act XVIII of 1864, and subject to the penalty declared therein.

Excavation or cut-trees, &c.

XXVIII. Quarrying Kunkur and digging for bricks without permission, or cutting down trees or grass on public ground.

Neglected buildings or land.

XXIX. Leaving lands or buildings so neglected as to afford shelter to thieves or disorderly persons, or otherwise becoming a nuisance.

Erecting walls, sheds, &c.

XXX. Erecting any temporary or permanent building, wall, shed, awning, chabutra or enclosure without license.

High crops.

XXXI. Growing high crops where prohibited in such place where they are likely to be prejudicial to the public health, or to affect the public safety by affording cover or shelter to thieves and other bad characters.

Picketting cattle or forming encampments.

XXXII. Picketting animals, or collecting carts, or forming encampments on any public ground without permission.

Flying kites.

XXXIII. Flying paper kites, or engaging in any other games in such manner as to be a nuisance, or likely to endanger passengers on the public roads.

Filth deposits.

XXXIV. Collecting or depositing night soil and other filth in any place not specially set apart for that purpose.

Committee as Board of Health.

XXXV. Disobeying any order of the Committee acting as a Board of Health, for the removal of vegetation and underwood calculated to obstruct ventilation or neglecting to keep in repair, and properly clean any enclosure or premises.

Neglecting premises or latrines.

XXXVI. Neglecting in any estate, compound, enclosure or premises, to keep in proper repair and properly clean any privy or latrine.

Drains and cesspools.

XXXVII. Constructing drains or cesspools, or neglecting the same in such a manner as to affect the health of the public.

Using latrines.

XXXVIII. Using any place for purposes of nature except the public latrines.

XXXIX. Begging in the bazaars or other public streets or thoroughfares, or otherwise causing annoyance to passers by.

Begging.

XL. Using driving roads, during driving hours, by Camels and Elephants or loaded Carts, and using any portion of the road excepting the sides at other times.

Camels, Elephants or loaded Carts.

XLI. Driving Carriages, Buggies, Dog-Carts or other conveyances after dusk without clear Lights on both sides of the same.

Light to Carriages.

XLII. Driving otherwise than on the left-hand side of the road, or passing any other conveyances otherwise than by leaving them to the right hand.

Driving on proper side of road.

XLIII. Letting loose or allowing to stray or graze, any cattle whatsoever in any public place without permission.

Stray Cattle.

XLIV. Storing more than five maunds of Saltpetre, or one maund of Gunpowder, or five maunds of Fireworks.

Combustibles.

XLV. Establishing depôts for Hay and Bamboos within city limits, excepting at the following places and under conditions specified, i. e.—

Hay and Bamboos.

Large depôts at Aysh Bagh, Secunder Bagh, and Ghow-Ghat.

Smaller depôts in each Thanna division on sites to be selected for the same by the Secretary and Native Members.

The quantity to be stored at each to be determined by the Superintendent, City Police.

XLVI. Forming up or moving of processions at night on any public road without a written order from the City Superintendent.

Processions.

XLVII. Failures on the part of Native Musicians in processions, whether by night or by day, to cease playing at the approach of any carriage or other conveyance to which horses may be harnessed.

Native Musicians.

XLVIII. Burying in any ground once publicly declared by the Committee as closed, or using an unlicensed cemetery.

Burying grounds.

XLIX. Disposing of any corpse in the River Gomti within the city limits, or in the Canal or in any Ravine or Nulla leading to the river.

Throwing bodies into river, &c.

L. Neglecting the removal within a reasonable time to the place set apart for such burial of the carcass of any animal which may die on the owners or occupiers' premises.

Carcasses of animals.

LI. Destroying Trees or plucking Fruits or Flowers in Public Gardens or Roads.

Destroying trees, &c.

LII. Making a public thoroughfare of public grounds not intended for such purposes.

Public thoroughfares.

LIII. Fishing with nets in the Gomti except by permission within the limits of the city.

Fishing with nets in the Gomti.

FOR SALE.

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No. 13.

SUPPLEMENT TO

The Gazette of India.

CALCUTTA, SATURDAY, MARCH 31, 1866.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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No Official Orders or Notifications the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

Government of India.

PUBLIC WORKS DEPARTMENT.

Junction of the East Indian and the Eastern Bengal Railways by a Bridge over the Hooghly.

From the Right Hon'ble Sir C. WOOD, Secy. of State for India, to His Excellency the Right Hon'ble the Govr. Genl. of India in Council,—dated India Office, London, 8th February 1866.

Para. 1.—Upon receipt of your Despatch of the 5th April last, No. 31, and its enclosures, (being copies of the Report and of the Proceedings of a Committee appointed to consider and report on the junction of the East Indian with the Eastern Bengal Railway by a bridge over the Hooghly, &c.,) were communicated to the Directors of the two Railway Companies.

2. In reply, the Directors of the Eastern Bengal Company expressed a very strong objection to the proposal that their terminal station should be transferred to the East Indian Railway Company, but they did not think the recommendations on other matters affected them much.

3. The Directors of the East Indian Railway Company, in a letter dated 10th November last, No. 2484, expressed their readiness to recommend to the shareholders to undertake the work, upon receiving a guarantee of 5 per cent. upon the necessary capital, provided I would agree to allow the account of the expenditure so incurred to be kept separate and distinct for a period of ten years, calculated from the date of the completion of the works. Before a reply was sent to this communication, the half-yearly general meeting of the shareholders was held, at which the above-mentioned proposal was made and negatived. The Directors have since expressed their willingness, should I desire it, to re-submit the matter to the shareholders, in the hope that they will reverse their previous decision. I have, however, caused them to be informed that it is not my wish that the subject should be further pressed upon the shareholders.

4. If the Company had been willing to undertake the work as part and parcel of their main line, I should, upon your recommendation, have been ready to have entrusted them with its execution.

5. A copy of the correspondence with the two Boards is now forwarded for your information.

No. 1.

From J. Cosmo Melvill, Esq., Under Secy. of State for India, to Secy., London Board, E. B. Railway Co.,—dated 10th August 1865.

I am directed to transmit, for the information of the Directors of the Eastern Bengal Railway Company, a copy of a "Report of a Committee appointed to consider and report on the junction of the East Indian Railway with the Eastern Bengal Railway, by a bridge over the Hooghly, on the formation of wet docks, and on other matters connected with the convenience of the trade and shipping of Calcutta."

The Government of India, in forwarding this Report, stated that they had called for the opinion of the Government of Bengal upon its recommendations. That opinion has not yet been received. In the mean time, Sir Charles Wood will be glad to be furnished with any remarks which the Board may wish to make on the questions discussed in the Report.

It is requested that the papers sent herewith may be returned at an early date.

No. 2.

From J. T. Wood, Esq., Secy., London Board, E. B. Railway Co., to Under Secy. of State for India,—dated 31st August 1865.

I am directed to acknowledge the receipt of your letter of the 10th instant, forwarding a copy of a "Report of a Committee appointed to consider and report on the junction of the East Indian Railway with the Eastern Bengal Railway by a bridge over the Hooghly, on the formation of wet docks, and on other matters connected with the convenience of the trade and shipping of Calcutta;" and inviting any remarks which the Board of the Eastern Bengal Railway may wish to make on the questions discussed in the Report.

I have, by the recent mail, received from our Agent in India a copy of a letter from the Secretary to the Government of Bengal, No. 4019, dated the 14th June 1865, and addressed to the Secretary to the Government of India, containing the expression of the Lieutenant Governor's views on the Report and Proceedings of the Committee above referred to.

My Board have requested their Consulting Engineer to favour them with his views and opinion on the questions discussed by the Committee, so far as they affect the interests of the Eastern Bengal Railway; and I am directed to forward you a copy of his Report, dated the 23rd instant.

With regard to the proposed bridge at Cossipore,—looking at it as a means of transferring the East Indian Railway passenger terminus to Calcutta,—my Board have no remark to make, except that the bridge formerly proposed at Mugrah would have been more useful to the Eastern Bengal Railway than a bridge at Cossipore, especially in reducing the cost of coal brought from the Burdwan coalfields for the use of the Eastern Bengal Railway.

With regard to the proposal to make over the Sealdah terminus of the Eastern Bengal Railway to the East Indian Railway, my Board desires to express its strong and decided dissent.

It is abundantly clear that the terminus in question is in no degree too large for the actual and expected traffic, but, on the contrary, too small, and this, it will be seen, is Mr. Hawkshaw's clear opinion on the subject.

Upon the other facts of the Report, no observations appear to be called for from the Board of the Eastern Bengal Railway Company.

Enclosure to No. 2.

From John Hawkshaw, Esq., Cons. Engr., to Secy. London Board, E. B. Railway Co.,—dated 23rd August 1865.

Referring to your letter of the 18th instant, I beg to report my views relative to the question as to the construction of a link line connecting the Eastern Bengal and East Indian Railways, the documents relating to which I have examined and herewith return.

For the purpose of effecting the junction of the two Railways the river Hooghly has to be crossed, and the question to be determined as to this is, whether the river should be bridged at Mugrah, a point 30 miles or thereabouts distant from Calcutta, or at or near Cossipore, a short distance only from Calcutta.

It appears to me that the Mugrah project offers somewhat superior advantages. A connecting link crossing the Hooghly at either spot would equally well accommodate Calcutta, but the Mugrah scheme would have the advantage of serving in a better manner the extensive and important districts to the east and west of the river lying northward of Mugrah. This

would also probably be the less costly project. On the other hand, there can be no doubt that the Cossipore scheme would be better as respects the district on the right bank of the river between Mugrah and Calcutta, but this I should imagine would not be so important a question when compared with the advantages that the Mugrah scheme would present.

In the event of the Government determining upon the Mugrah crossing, the course to be pursued would be for the Eastern Bengal Railway Company to construct the link line, and for the East Indian Railway to use this running over the Eastern Bengal line into Calcutta under such conditions, and paying such tolls and charges as may be agreed upon. It would clearly be impolitic and unjust to allow the East Indian Railway Company to construct a competing line on the left bank of the river from Mugrah into Calcutta, or to permit them in any way to invade the territory occupied by the Eastern Bengal Railway Company, and before the Eastern Bengal Company commit themselves to any course of action affecting their interests, they should have a preliminary arrangement with the East Indian Railway Company so as to arrive at a distinct understanding upon all important points connected with the question.

I gather from the documents, that a suggestion has been made that the East Indian Railway should take into their own possession the terminus of the Eastern Bengal Railway at Sealdah, providing them with a station adjoining. This new station would be clearly in a less advantageous position than the present terminus, but whether it were so or not such a proposition on behalf of the East Indian Railway Company is, I believe, unexampled in the history of Railways, and the Board, no doubt, will not hesitate at once to reject it.

If the Cossipore crossing were determined upon, it would, I think, be better for the East Indian Railway to construct their own station on ground to be procured by themselves, and to be independent entirely of the Eastern Bengal Railway as it respects this.

I may remark that the Sealdah terminus is not too large for the increasing traffic of the Eastern Bengal Railway, and the accommodation would have to be enlarged if the East Indian Railway Company were to use it. If such an event were to happen, this enlargement and all subsequent enlargements should be undertaken by the Eastern Bengal Railway Company, who should not lose sight of the importance of keeping their own station under their own control.

No. 3.

From J. T. Wood, Esq., Secy. London Board, E. B. Railway Co., to Under-Secy. of State for India.

I had the honour to forward to you, on the 31st August, the observations which the Directors of the Eastern Bengal Railway considered it necessary to make on the questions discussed before the Committee appointed in Calcutta to report on the junction of the East Indian Railway with the Eastern Bengal Railway by a bridge over the Hooghly, and on other matters.

2. In connexion with these questions, I am now directed, more particularly, to call your attention to the urgent requirements of the Eastern Bengal Railway, through increased and increasing goods traffic, for additional facilities for communication by water, and so further utilizing the circular canal, on the side of which their terminal station at Sealdah, in Calcutta, is situated, in order to assist the transport of goods from such station to the river Hooghly, and to the warehouses of the merchants and traders on the banks of the canal and river.

3. The circular canal, as appears by the sketch map annexed, is at present a thoroughfare for a very large number of Native boats passing to and from the river and the Soonderbunds. It is, however, so overcrowded with boats engaged in the through traffic that it is almost useless for local and railway communication and traffic. The transport of goods by carts to and from the Sealdah terminus to the river for shipment is very expensive, but, nevertheless, is unwillingly resorted to, by reason of the crowded state of the canal, in order to save time, but it must also be stated, in consequence of the high tolls on the canal levied by the Government from all boats.

4. When the station accommodation for the Eastern Bengal Railway was originally considered, the necessity for a direct communication between the river Hooghly and the Railway for the goods traffic was not overlooked. Proposals were then considered by the Government for granting to the Eastern Bengal Railway Company a site on the eastern (or Calcutta) bank of the river, at a point called Chitpore, for a goods station, with the view of making a branch from their main line to that point.

5. The branch was, for the time, postponed, but the land necessary for the purpose, including the above site, was then made over to the Eastern Bengal Railway Company.

6. That portion nearest the river was sublet by the Company to their contractors for landing and storing their materials used in the construction of the Eastern Bengal Railway.

7. This land was, towards the end of last year, resumed by the Government, with the expressed object of making a new additional outlet, with a lock from the circular canal, in order to afford a new through communication from the river to the Soonderbunds, so as to leave

that portion of the existing canal which extended itself from the Sealdah terminus to the river available for the Railway and town traffic only, and to open on a dock proposed by Government to be made in immediate communication and connection with the Railway at its Sealdah station. The Agent of the Railway had, as is well known to you, Sir, made repeated urgent appeals to the Government to reduce the rate of tolls on the canal as far as the station.

9. The Government, however, postponed making any reduction in consequence of their intention to make these new canal works for the benefit of the station.

10. The Board now desire me to say that they cannot lay too much stress on the importance of these works to the Railway, with reference to the largely increasing goods traffic. The speedy carrying out of the above plans is, in fact, a necessity, as they require additional facilities immediately for communication by water from this their chief terminal station.

11. In connexion with this subject, they desire to call the especial attention of the Secretary of State for India in Council to the fact, that the want of such communication is a serious impediment in the way of their obtaining the conveyance of tea from the Assam districts, a product increasing in quantity each succeeding year. At present, all this tea is sent down the Burhampootra, and then, instead of being delivered to the Railway at the terminal station at Kooshtee, is carried round by the steamers by the circuitous passage of the Soonderbunds, in order to be shipped at once on the vessels lying off Calcutta, and so that the merchants may avoid the greater expense and risk of injury to the chests which they would incur in having them carried in Native carts from the Sealdah terminus in Calcutta to the river bank, there to be put on board lighters for delivery on board the ships bound for England.

12. The Board desire me also to express their fear that the proceedings before the Committee may have been used as an argument for delaying such pressing works as the above on the Eastern Bengal Railway, as well as the erection of the gas apparatus which had been sent out by the Board previous to the reference, and other works required.

13. The Board now beg that the Secretary of State will take steps to induce the Government of India to expedite the carrying out of the above plans for the new outlet and lock at Chitpore, and dock at the Railway station.

No. 4.

From J. Cosmo Melvill, Esq., Under Secy. of State for India, to Secy., London Board, E. I. Railway Co.,—dated 10th August 1865.

I am directed to transmit, for the information of the Directors of the East Indian Railway Company, a copy of a "Report of a Committee appointed to consider and report on the junction of the East Indian Railway with the Eastern Bengal Railway, by a bridge over the Hooghly, on the formation of wet docks, and on other matters connected with the convenience of the trade and shipping of Calcutta."

The Government of India, in forwarding this Report, stated that they had called for the opinion of the Government of Bengal upon its recommendations. That opinion has not yet been received. In the mean time, Sir Charles Wood will be glad to be furnished with any remarks which the Board may wish to make on the questions discussed in the Report.

It is requested that the papers sent herewith may be returned at an early date.

No. 5.

From D. I. Noad, Esq., Secy., London Board, E. I. Railway Co., to Under Secy. of State for India,—dated 28th August 1865.

The Board of Directors have had under their consideration your letter of the 10th instant, transmitting for their information copy of a "Report of a Committee appointed to consider and report on the junction of the East Indian Railway with the Eastern Bengal Railway by a bridge over the Hooghly, on the formation of wet docks, and on other matters connected with the convenience of the trade and shipping of Calcutta,—adding that the opinion of the Government of Bengal upon its recommendations has not been received, and in the mean time requesting to be furnished with any remarks which the Board may wish to make on the questions discussed in the Report."

The subjects discussed are matters of very grave importance. The Board think it desirable to have Mr. Rendel's opinion upon them from an engineering point of view, and have accordingly requested him to furnish them with a report, upon receipt of which the Board will address the Secretary of State again.

No. 6.

From HERMAN MERIVALE, ESQ., Under Secy. of State for India, to Secy., London Board, E. I. Railway Co.,—dated 5th October 1865.

In continuation of Mr. Melvill's letter of the 10th August last, I am directed to transmit, for the information of the East Indian Railway Board, a copy of a letter, and its enclosures, from the Government of Bengal, containing the views of the Lieutenant Governor on the final Report and Proceedings of the Committee on the Calcutta Railway Bridge and Dock questions.

In forwarding these papers, the Government of India suggest that early action in the matter of the Hooghly bridge should be urged on the Directors; and, looking to the long time that must elapse before its completion is, under the most vigorous prosecution, possible, and the extent to which the traffic of this line may, from past experience, be expected to grow meanwhile, as also to the great improbability of Howrah ever ceasing to be a convenient terminal station for goods, they further suggest that the Board should be moved to empower its Officers in India to proceed with the needful re-arrangement of that station, so far as the goods and mineral traffic are concerned.

Sir Charles Wood requests the Board's early consideration of this matter.

No. 7.

From D. I. NOAD, ESQ., Secy., London Board, E. I. Railway Co., to Under Secy. of State for India,—dated 10th November 1865.

Adverting to your letters of the 10th August and 5th October last, I am now instructed by the Board of Directors to hand you copy of a Report from Mr. Rendel upon the questions of bridging the river Hooghly, and of constructing a Metropolitan Railway terminus in Calcutta.

In forwarding a copy of the resolution which, after mature consideration, has been come to by the Board upon the subject, I am directed to state that, in accordance therewith, the Board will be prepared to submit a proposal to their shareholders to undertake the work referred to, and to raise the necessary capital upon the terms of the existing contracts as to the provision of land, &c., and a guarantee of 5 per cent. interest, on the understanding that the expenditure is kept distinct from the general capital for a term of 10 years, as specified in the resolution.

Upon receiving the assent of the Secretary of State to the terms the Board propose, they will recommend the shareholders to proceed with the *works of the bridge at once*, and pending the settlement by the Government of India of the location of the terminus, and the best mode of effecting a junction with the other railways running out of Calcutta.

It will be observed that the cost of the bridge is estimated at 450,000*l.*, and the remaining works proposed by Mr. Rendel at about 800,000*l.*

ENCLOSURE 1 TO No. 7.

RESOLVED,—That this Board are prepared to recommend to the shareholders to undertake, upon the terms of the existing contracts as to land, &c., and a guarantee of 5 per-cent. from the Secretary of State, the construction of the proposed bridge over the river Hooghly and central terminus station in Calcutta, according to the plans referred to in Mr. Rendel's report, or such other plans as may be agreed upon, but, considering the magnitude and special character of these works, the fact that they will be undertaken upon metropolian and imperial considerations, as well as for the purposes of the Company, and that it is not possible to define either the time which will be required for the completion of the works, or the return which the expenditure may be expected to yield, the Board are of opinion that the Company is entitled to expect that the account of the expenditure so incurred be kept separate and distinct from the general capital account for a term of ten years, calculated from the completion of the works, unless in the meanwhile the works shall have yielded a net profit of more than 5 per cent. on the cost of their construction, computed upon a basis to be agreed upon hereafter, or determined by arbitration.

From A. M. RENDEL, ESQ., to Secy. London Board, E. I. Railway Co.,—dated 24th October 1865.

ENCLOSURE 2 TO No. 7.

I have now the honour to lay before the Board the report requested in your letter of the 14th August last, on the subject of the extension of the Company's line across the river Hooghly into Calcutta.

The pages to which your letter directed my attention were, (1), the Report dated March 16th, 1865, of a Committee appointed by the Supreme Government of India "to consider and report on the junction of the East Indian Railway with the Eastern Bengal Railway, by a bridge over the Hooghly, on the formation of wet docks, and on other matters connected with the convenience of the trade and shipping of Calcutta"; (2), the evidence and correspondence collected by this Committee, amongst which will be found many papers relating to earlier discussions of the questions referred to them; and (3), a letter from the India Office to the Board, dated the 10th August last, forwarding these papers for its consideration. Within the last few weeks I have also received copies (4) of the report of the Local Government of Bengal, referred to in the letter from the India Office; and (5), of the opinion expressed finally, on the whole subject, by the Supreme Government, dated respectively the 14th and 21st of June last.

I have also had the advantage of personal communication with Mr. Power, who was one of the witnesses examined by the Committee, and whose necessarily entire engrossment with the plans of the chord line must be my apology for some of the delay which has taken place in the preparation of this Report.

From the papers above enumerated, it appears that the Committee, the Local and the Supreme Governments are unanimously of opinion, that a junction between the East Indian, the Eastern Bengal, and the South-Eastern Railways is necessary, and that it should be made by extending the East Indian line from a point near Balli, about five miles above the Howrah Terminus, across the river Hooghly to the Eastern Bengal line near its station for Dum-Dum.

The Committee is further of opinion that the present terminal station at Howrah is most inconvenient, both for passengers and goods, and that it shall be transferred to the Calcutta side of the river. The new passenger station being placed at Sealdah, the present terminus of the Eastern Bengal and South-Eastern lines, and the new goods station in the neighbourhood of Chitpore, adjacent to a site which the Committee thinks suited for a wet dock for large shipping.

The Local Government agree with the Committee in regard to the propriety of transferring the passenger terminus to Sealdah, but considers that the Howrah station must always be maintained for local passengers, and for the great bulk of the goods brought down the line for export; and that except in the event of the proposed wet docks being made, of which it does not appear to be sanguine, there will be no necessity for a new goods station on the Calcutta side at all.

The Supreme Government considers that the station question generally requires further ventilation, and advises that it should remain open for discussion until the bridge over the Hooghly has been commenced in earnest.

The Committee, the Local and the Supreme Governments are unanimous in favour of the immediate construction of jetties and ware-houses on the Strand, between Bankshall and Armenian Ghât, that is to say, on either side of the Custom House. The duty of constructing and managing these jetties and warehouses is to be confided to a public trust, which the Supreme Government considers, with the Committee, is preferable for the purpose to the agency of a private Company.

On the subject of docks in Calcutta, the Committee holds that they are both feasible and unobjectionable, but that, though they would be useful, they are not essential. The Committee advises, therefore, that they should be postponed to the jetties before mentioned, unless parties can be found who are willing to undertake them on terms which will not be too burdensome on the Government.

Upon a review of the various sites considered eligible for docks, the Committee decides in favour of Chitpore, and recommends that the soil which will be required to raise the proposed extension of the East Indian Railway to its proper level, should be obtained by excavating in the neighbourhood, and adjacent to the river, a large and deep tank, which may afterwards, at any time, be converted into a dock.

The Local Government approves this proposal, because the tank, at the worst, will serve for the storage of water, but, as before remarked, does not expect its early application to dock purposes.

The Supreme Government leaves the question to the action of capitalists, and expresses no opinion upon it.

Lastly, the Committee expresses itself favourable to a project which has been brought before it for the extension of the lines meeting at Sealdah into the neighbourhood of Dalhousie (late Tank) Square, provided it can be carried out without material assistance from Government. The Local Government is also favourable to the scheme, on the same conditions and considers that, " if feasible, it would conduce to the convenience of the Railway Companies and the public, and obviate some of the difficulties likely to stand in the way of the scheme proposed by the Committee."

The Consulting Engineer of the Local Government goes, however, still further in his approval, holding that the Supreme Government would incur little risk of loss in guaranteeing to the municipality the cost of the necessary land. The Supreme Government again reserve its opinion on the subject, until proposals have been matured and brought before it, with the approval of the Local Government.

Although there can be no doubt that a junction between the East Indian, the Eastern Bengal, and the South-Eastern lines will be advantageous from both a military and commercial point of view, especially if the Mutlah should be largely used by shipping, yet I think that, merely as a junction, it would scarcely justify its cost.

The true basis of the scheme under consideration is, in my opinion, that the present terminus of the East Indian line is on the wrong side of the Hooghly; that the line is, consequently, neither as useful to the public, nor as profitable to the Company, as it might be, and that the terminus must, therefore, be transferred from Howrah to Calcutta.

On this basis, as found on all past experience, the case for the extension admits, to my mind, of no dispute. It becomes, in my opinion, as natural, though far more necessary, a part of the Company's undertaking as the costly bridge and works at the terminus in Delhi, and the proper sequel to the completion of the main line.

It is well known that the great aim of the bulk of the expenditure on railways during late years in England has been to secure direct lines to and *contra* stations in the chief towns. For these purposes, no work has been thought too difficult and no cost too great; and those Companies have made the least progress towards prosperity which have least observed these great essentials to Railway success. The Board have already adopted the one principle in the chord line, and it is certain, in my opinion, that, sooner or later,—and the sooner the better,—they must adopt the other.

However much the absence of the keen competition which prevails in this country may render unnecessary in India that early forestalling of public requirements which is necessary here, still, I think it would be a derogation from the spirit of the duties which the East Indian Railway Company has accepted, to stop short of that completeness in its scheme which a great community like that of Calcutta is sure to demand.

But the necessity for the proposed extension is so well established by the Report of the Committee and the approval of the Governments that no further argument in favour of it is necessary on my part, and I shall pass at once to its details.

I have stated, already, in general terms, the route of the extension proposed by the Committee and approved by the two Governments.

The present main line at Balli being nearly level with the surface of the country, and it being necessary that the bridge should be at some height above flood level, the extension, according to the Committee's scheme, will rise from Balli towards the bridge at the rate of 1 in 200, and as the river must be crossed square to its course on a curve of half a mile radius. After passing the river, the line will fall in an easy curve and at the rate of 1 in 200 again for a short distance, and will then be continued on a bank at such a level as will allow the road traffic to pass under it to the proposed junction with the Eastern Bengal near the station for Dum-Dum.

From this point to Sealdah the Committee proposes that the present Eastern Bengal line should be transferred to the East Indian, and that the bank on which the line is placed should be widened on the east side to allow another line for the Eastern Bengal to be laid upon it. The Committee also proposes, that the present passenger station of the Eastern Bengal Company at Sealdah is too large for its traffic, it should be handed over to the East Indian Company, and that a new passenger station of smaller size should be constructed for the Eastern Bengal on the ground now reserved for that Company's goods station. The terms for the transfer of the present line and stations must, of course, be arranged between the two Companies. The total length of the extension from Balli to Sealdah would be 8¾ miles, of which the present Eastern Bengal forms four miles.

In a letter attached to the Report of the Local Government, Mr. Prestage, the Agent of the Eastern Bengal Railway, expresses his strong objection to the proposed transfer of its passenger station, unless the lines collected at Sealdah should be further extended into Dalhousie Square, in which case he would recommend to his Board the transfer of either two-thirds or the whole of the station according as the East Indian might elect to use, or not to use, the metropolitan extension. He further expresses himself opposed to any interference with the site selected for the Eastern Bengal goods station at Sealdah.

If the Eastern Bengal Company should determine to act on Mr. Prestage's advice, and should refuse to part either with the station or any portion of the land in its neighbourhood now vested in that Company, the East Indian Company will probably find it necessary to make some modification of the route proposed by the Committee for the extension, in order to secure a satisfactory site for a station; and in any case I think that, on economical grounds, the widening of the Eastern Bengal line should be made on its western instead of its eastern side. This could also render unnecessary the transfer of the present line to the East Indian.

But, in my opinion, it is quite impossible to look on Sealdah as the ultimate terminus of a great trunk line. It is situated on the outskirts of Calcutta near the Salt Lake, a mile and a half from the river and the chief commercial quarter, besides which the jetties and warehouses which are to be constructed on either side of the Custom House will demand a connexion with the Railway.

I am satisfied, therefore, that any money spent in forming a terminal passenger station at Sealdah, except one of a very temporary kind, will be thrown away, and that the right policy is to place the passenger terminus at once in the city, either by continuing it from Sealdah westward, or by diverging from the Committee's route close to the bridge, and running directly south, through Chitpore, and the Native quarter.

An admirable site for a station may be found either on that of the present Writers Buildings, or immediately behind them, large enough to accommodate the three Railways which would terminate in Calcutta, and separated from the Custom House by a street only. So that one overbridge would bring the new warehouses into direct connexion with the rail. The exact site, however, for the terminus must depend on the facility with which the necessary land can be acquired.

In regard to a goods station, I think that one of considerable extent will always be required at Howrah, on account not only of its convenience for the export of coal and the import of salt, but also of the importance of Howrah itself. But, unless a great change should take place in the present manner of transacting the rest of the shipping business of the port, I consider that provision must be made for all other descriptions of goods on the Calcutta side of the river. There is always a natural indisposition in trade to alter its fixed course, and the extension of the line into Calcutta, and the jetties and warehouses now ordered on the Strand, even if the docks should never be made, will remove the inconveniences which now tend to disturb the routine of business.

I think, therefore, that all future expenditure at Howrah should, as much as possible, be limited to meet a temporary demand, and that a new goods station must be erected on the other side of the river.

In considering the proper site for this station, the strong probability of docks being also, at some time or other, constructed in Calcutta must be taken into account, because it is plainly desirable that the docks and the goods station should be in close connexion with each other.

The site selected by the Committee for both docks and goods station in Chitpore seem to me to be very well suited for their purposes.

To avoid the necessity for a special branch to them, the line, after it has crossed the river, must be diverted from the route laid down by the Committee to one running more south to Chitpore, which would have the additional advantage of accommodating an important suburb, and would also reduce the length of the line nearly half a mile.

But if this bend to Chitpore be made, its natural route thence to Dalhousie Square is evidently not by Sealdah at all, but by an extension going directly south across the Circular Canal and through the Native city.

The total length of the extension from Balli to Dalhousie Square would then be nearly a mile shorter than from Balli to Sealdah alone, as the route laid down by the Committee. The length of line within the limits of the city would certainly be greater, but it is not certain that, including land, it would be most costly, and it could clearly be combined with metropolitan improvements of so much greater value than any which could be made between Sealdah

and the terminus, as would justify a considerable difference. It would not, perhaps, be quite so acceptable as a metropolitan extension to the Eastern Bengal Company, and still less so to the South Eastern, but if the question of metropolitan lines were once settled, I should certainly urge most strongly its claim to priority of construction.

The connexion between the three Railways could be readily made by a short branch outside Calcutta, running north-east from Chitpore, or by a line from Chitpore to the Eastern Bengal, near Sealdah.

If the main line is carried into Dalhousie Square, and thence into the Custom House and jetties and warehouses around it, and pending the construction of docks, I do not think that the immediate outlay on the Chitpore Station need be very large; not less, however, than 100 acres of land should be transferred to the Company for it as soon as possible, and a further provision of at least 100 acres should be made for the tank which is to be excavated in connexion with the Railway.

Though the banks will be somewhat heavy, and the arching for roads numerous, the works of the extension generally will be of minor importance, with the exception of the bridge over the River Hooghly.

The site on which the Committee recommends that the bridge should be placed, namely, about 2¼ miles above the Cossipore Gun Foundry, and nearly opposite the Balli Station, was determined by reference to the effects of the late cyclone, it being thought desirable that the bridge should be above the extreme point to which the ships were then driven. In any case, in order to avoid an injurious curtailment of that part of the river available for anchorage, it must be placed so high above Calcutta as to be practically of little use as a means of communication with Howrah, and, taking all circumstances into account, I think the Committee have made the best possible selection.

From a section taken by Mr. Power, it appears that the river at this point is about 2,500 feet wide at highwater of spring tides. Its maximum depth, 40 feet at low water, by its average depth, is only about 15 feet.

As elsewhere in the Hooghly, the bottom is silt, but from borings taken on the proposed site of the bridge, and from thence at different points on the banks of the river down to Calcutta, it appears that a good bed of yellow clay underlies the silt at about 90 feet below high water. On this clay we have just founded the wells for the pontoon bridges at Howrah.

It will be necessary to construct the bridge of wrought-iron girders, carried on piers composed chiefly of cast-iron columns. The exact length of the girders and their consequent number can only be determined by a careful comparison of the relative cost of the girders and the piers, for which drawings must be prepared in greater detail than I have thought the present occasion required. The accompanying sketch, prepared by Mr. Power and myself, is probably approximately correct, though it may be found advisable to increase the length of the spans and diminish correspondingly the number of piers. According to this sketch, the river would be spanned by eight girders of the truss form adopted at Saltash and Chepstow, each 320 feet in length, and carried on seven piers on the bed of the river, with two abutments on the banks.

With the assistance of Mr. Power, whose experience on the Soane and on the Hooghly is most valuable, I have prepared an estimate of the cost of this design for a double line of Railway, with a footway. Its amount is 450,000*l.*, for which sum I should hope a responsible contractor might be found to execute the work.

The addition of a carriage way, wide enough for a third line of rails, if they should be required at any time, would add at least 100,000*l.* to this estimate. The bridge is so far from Calcutta, that I do not think a carriage way would be of sufficient value to justify the expenditure of such a sum, and the probability of a third line of rails being wanted is remote.

As there is now a large number of men in India experienced in this class of work, and as there would be no difficulties of transport to contend with, I think the bridge ought to be completed in four years. The foundations alone would be tedious in execution. The girders themselves would be sent out from this country, riveted up in large pieces, which might be put together in a mud dock, on pontoons, or perhaps on some of the Company's barges, then floated to the site of the bridge, and lifted complete into their places.

Lastly, in regard to the cost of the whole scheme. On the map of Calcutta and its environs, which accompanies this report, I have laid down, first, the plan of the extension as proposed by the Committee; second, the modification which I have recommended for it, to save the special branch to Chitpore; third, the extension from Sealdah to the north side of

Dalhousie Square, at the back of Writers Buildings; and, fourth, the direct extension to the same point from Chitpore. I have also shown the Metropolitan line, extended through the Custom House to the shore, and the sites selected for the jetties and warehouses, the docks, and the goods station.

The estimated cost of the line proposed by the Committee, as given in its Report, is 830,000*l.*, which includes the line from Balli to Sealdah, *viâ* the Dum-Dum Station of the Eastern Bengal Railway, the bridge, and the two stations, but not land, or a special branch to the goods station.

The modification I have proposed in order to save this branch would not materially add to the above estimate, and the widening of the Eastern Bengal on the west instead of the east side will reduce it. But my estimate for the bridge is considerably higher than that of the Committee, and making proper allowances for locomotive and carriage sheds, and some provision for dwelling-houses for the staff, I think the total cost of the extension to Sealdah, whether on the Committee's or on my route to the same point, will reach 1,000,000*l.*

The Metropolitan extension, whether from Chitpore or Sealdah, will be costly. Constructed on arches, and made of sufficient width for four lines of way, the extension from Sealdah into the city would probably cost, including the raising of the station site, 300,000*l.*, of which one half would be debited to the East Indian Railway, the other half to the Eastern Bengal and South-Eastern lines.

The direct Metropolitan line from Chitpore, constructed on arches for two lines of way, would cost within the Metropolitan limits, including raising the site for a station large enough for the East Indian Railway alone, 300,000*l.*

The comparative cost, therefore, of the two lines,—Balli into Dalhousie Square,—would be as follows—

	£
For the Sealdah route from Balli to Sealdah, including stations and bridges ...	1,000,000
Share of cost of line from Sealdah to central station in city	150,000
	£1,150,000
For the Chitpore route from Balli through Chitpore, to about a furlong south of the Circular Canal, where the arching would commence, including the bridge and stations as in the estimate for the Sealdah route	900,000
Metropolitan line to central station	300,000
	£1,200,000

The difference, therefore, of cost is 50,000*l.* in favour of the Sealdah route. On the other hand, there is a difference of distance to the extent of 2¼ miles in favour of the direct line over the Committee's route, and of nearly two miles as I propose to modify it by the bend to Chitpore.

A complete table of distances will be found on the plan.

The cost of the land required for the scheme of the Committee, that is, for the line from Balli to Sealdah, as estimated by a competent authority in Calcutta at 168,000*l.*

The cost of land for the extension from Sealdah into Dalhousie Square is estimated by Mr. Prestage at 150,000*l.* for two lines of way, which would probably be increased for four lines about one-half, or, say, to 225,000*l.*

I have no means of estimating the value of the land for the Chitpore route.

I assume that, as a matter of course, the Eastern Bengal and South-Eastern Companies would wish and would be allowed to join in the Metropolitan extension *viâ* Sealdah, which, in fact, appears to have been proposed, in the first instance, by Mr. Prestage himself.

It does not seem to be disputed that the cost of the land between Balli and Sealdah will fall on the Supreme Government. But the Local Government expresses an opinion that the cost of land for such lines as the extension from Sealdah into the city ought to be defrayed by the Companies making them, and form a part of their capital. Against that view I think much might be argued at the proper time, but the question does not come within the scope of this Report.

I return the papers forwarded to me with your letter of the 14th August.

No. 8.

From D. I. NOAD, ESQ., Secy. London Board, E. I. Railway Co., to Under Secy. of State for India,—dated 5th January 1866.

Referring to my letter of 10th November last, on the subject of constructing a bridge over the Hooghly, and a Metropolitan terminus in Calcutta, I am instructed by the Board of Directors to hand you herewith copy of a resolution proposed at the half-yearly general meeting on the 29th ultimo, and to acquaint you that the resolution was negatived.

I am instructed, however, to add that if the Secretary of State is willing to agree to the terms which the Board have proposed, they will be prepared again to submit the matter to their shareholders at the next meeting, in the hope that the present decision may be reversed.

ENCLOSURE TO No. 8.

RESOLVED.—That the Board of Directors be and they are hereby authorized, to enter into a contract with the Secretary of State for India in Council, for the construction of a bridge over the river Hooghly and a Metropolitan terminus in Calcutta, with such junctions with the Eastern of Bengal Railway and the Calcutta and South-Eastern Railway as they may deem advisable, on the basis of the terms stated in the resolution of the Board, dated 9th November 1865, and referred to in the Report now submitted to the meeting; and further, that the Board of Directors be and are hereby authorized to raise the sum of 1,500,000*l.*, partly by the issue of shares or stock or of debentures, or partly in one, and partly in another, or other of such ways, as they may think fit, for the purposes of the said contract.

No. 9.

From LORD DUFFERIN, Under Secy. of State for India, to Secy. London Board, E. I. Railway Co.,—dated 26th January 1866.

I am directed to acknowledge receipt of your letter of the 5th instant, No. 2530, enclosing copy of a resolution relative to the construction of a bridge over the Hooghly and of a Metropolitan terminus in Calcutta, which was proposed at the last half-yearly general meeting of the East Indian Railway Company, and intimating that that resolution was negatived, but adding that, if the Secretary of State will assent to its terms, the Board will be prepared again to submit the matter to their shareholders at the next meeting, in the hope that the present decision may be reversed.

In reply, I am directed to acquaint you that, after giving to the subject his most careful consideration in Council, Sir Charles Wood has no wish that this question should be further pressed upon the shareholders of the Company.

ACCOUNT OF EXPENDITURE ON

GENERAL ABSTRACT OF THE GRANTS AND EXPENDITURE FROM IMPERIAL FUNDS FOR

Provinces.	Grants for Public Works undertaken by Government.*		Grants for State Outlay on Railways Guaranteed.	
	Grants.	Outlay.	Grants.	Outlay.
	£	£	£	£
Madras	680,000	676,941	19,428	31,786
Bombay	1,099,330	1,016,911	171,000	208,991
Bengal	575,000	722,947	47,164	46,568
North Western Provinces, including Ajmere ...	684,538	628,556	19,040	7,884
Punjab	565,000	613,784	21,400	70,973
Oudh	207,253	103,804	...	...
Central Provinces	290,000	266,863	5,000	641
British Burmah, including Port Blair	242,800	257,379	...	...
Hyderabad	90,000	94,611	...	...
Straits Settlements	40,000	30,761	...	...
Rajpootana	11,367	27,646	...	...
Central India	12,075	72,362	...	...
Coorg	6,000	5,736	...	...
Total	4,503,363	4,518,301	283,032	366,843
Add additional Grants	458,519	...	...	...
Deduct reductions of Grant	...	...	...	...
	4,961,882	4,518,301	283,032	366,843

For details of this account see Part II.

PUBLIC WORKS IN INDIA DURING 1864-65.

PUBLIC WORKS IN INDIA, FOR THE YEAR FROM 1st MAY 1864 TO 30th APRIL 1865.

Grants for State Outlay on Railways not guaranteed.		Grants for State Outlay on Irrigation Works.		Total.		Difference.	
Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Outlay more than Grant.	Outlay less than Grant.
£	£	£	£	£	£	£	£
...	...	26,467	4,524	725,895	713,251	...	12,644
...	...	...	...	1,270,330	1,225,902	...	44,428
...	...	...	...	622,164	769,515	147,351	
25,720	...	...	...	729,298	636,440	...	92,858
...	...	...	...	586,400	684,757	98,357	
12,747	3,822	...	...	220,000	107,626	...	112,374
...	...	...	...	295,000	267,504	...	27,496
...	...	...	...	242,800	257,379	14,579	
...	...	...	...	90,000	94,611	4,611	
...	...	...	...	40,000	30,761	...	9,239
...	...	...	...	11,367	27,646	16,279	
...	...	...	...	12,075	72,362	60,287	
...	...	...	...	6,000	5,736	...	264
38,467	3,822	26,467	4,524	4,851,329	4,893,490	42,161	
...	...	...	...	418,130	...	...	418,130
21,009	...	19,380	...	...	...	...	
17,458	3,822	7,087	4,524	5,269,459	4,893,490	...	375,969
Grant from one per cent. Income Tax Fund ...				250,000	250,000	...	...
Loss by Railway exchange				256,900	148,449	...	108,451
			Grand Total	5,776,359	5,291,939	...	484,420

G. CHESNEY,
Accountant General P. W. Dept.

GENERAL ABSTRACT OF THE GRANTS AND EXPENDITURE FROM IMPERIAL
1st MAY 1864 TO

PART I.—Grants and outlay on Public Works undertaken

Heads of Service.	Madras.		Bombay.		Bengal.		N. W. Provinces.		Punjab.		Oudh.		Central Provinces.	
	Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.
	£	£	£	£	£	£	£	£	£	£	£.	£	£	£
Original Works.														
Military ..	100,777	72,011	134,035	252,861	31,727	28,462	109,823	65,155	102,760	86,290	43,552	23,669	39,682	17,434
Civil Buildings ...	81,844	68,498	41,385	103,786	98,970	161,700	70,591	84,077	45,760	45,279	27,892	23,668	24,863	26,033
Agricultural ...	48,978	55,712	48,431	57,245	41,568	12,194	53,212	40,084	55,431	44,909	...	...	...	...
Communications...	62,608	84,690	179,213	186,831	137,735	189,648	148,207	96,341	114,156	127,587	73,031	18,490	135,658	129,406
Miscellaneous Public Improvement	2,746	2,869	373,718	162,144	...	311	...	...	7,116	2,381	...	...	...	81
	296,953	283,780	776,782	762,867	310,000	392,315	381,833	285,657	325,223	306,446	144,475	65,827	199,598	172,954
Repairs.														
Military ...	13,132	14,541	40,000	27,177	25,920	55,089	41,925	39,242	21,608	45,702	10,088	4,980	7,400	10,208
Civil Buildings ...	15,087	11,048	22,214	26,010	35,500	57,110	20,007	14,255	9,484	10,304	3,412	1,996	3,805	2,151
Agricultural ...	108,528	110,541	40,385	25,435	23,750	36,406	37,425	46,399	21,296	39,894	...	...	30	...
Communications	110,224	113,928	61,385	31,198	68,720	93,309	70,877	99,264	65,385	107,012	18,671	13,416	15,890	14,746
Miscellaneous Public Improvement	3,029	2,756	1,016	2,655	1,110	2,042	...	...	885	162	480	424	20	...
	250,000	252,814	165,000	112,475	155,000	243,956	170,234	199,160	118,158	203,104	32,651	20,816	27,145	27,105
Establishment.														
Direction ...	32,591	34,519	24,394	22,959	20,483	20,483	27,135	28,156	18,514	19,897	4,526	4,370	9,183	8,205
Construction ...	86,228	82,469	119,875	104,628	80,077	80,077	90,924	91,105	86,158	77,359	21,970	17,481	45,862	38,713
Accounts ...	4,228	4,202	4,308	3,881	9,440	9,440	9,917	9,612	9,185	8,302	3,631	3,364	7,212	3,882
Collection and Police	...	8,180	127	119			4,495	4,495	7,762	7,187	...	...	...	...
	123,047	129,370	148,704	131.587	110,000	110,000	132,471	133,368	121,619	112,745	30,127	25,215	62,257	50,800
Tools and Plant.	10,000	17,968	8,844	50,571	...	10,383	...	13,980	...	14,123	...	2,381	1,000	9,061
Profit and Loss*	..	6,897	...	8,076	...	6,522	...	18,632	...	6,873	...	1,358	...	7[illegible]
Total	680,000	690,829	1,099,330	1,060,576	575,000	763,176	684,538	650,797	565,000	643,291	207,253	115,597	298,600	259,99[illegible]
Add additions to grant	49,815	...	62,765	...	176,892	...	23,813	...	2,927	...	2,000	...	7,070	...
	729,815	690,829	1,162,095	1,060,576	751,892	763,176	708,351	650,797	567,927	643,291	209,253	115,597	297,070	259,99
Add increase to Stock, deduct decrease in Stock	...	13,888	...	43,665	...	40,229	...	22,241	...	29,507	...	11,793	...	6,87
	729,815	676,941	1,162,095	1,016,911	751,892	722,947	708,351	628,556	567,927	613,784	209,253	103,804	297,070	266,86
Deduct outlay from grant ...	676,941	...	1,016,911	...	722,947	...	628,556	...	613,784	...	103,804	...	266,863	...
Difference { Saving ...	52,874	...	145,184	...	28,945	...	79,795	...	...	...	105,449	...	30,207	...
Difference { Excess ...	...	...	...	...	...	...	...	...	45,857					

* Includes deterior[illegible]

FUNDS ON ACCOUNT OF PUBLIC WORKS IN INDIA, FOR THE YEAR FROM 30TH APRIL 1865.

BY GOVERNMENT, DETAILED UNDER HEADS OF SERVICE.

British Burmah.		Hyderabad.		Straits Settlements.		Rajpootana.		Central India.		Coorg.		TOTAL.		Difference.	
Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.	Original grants as per Budget Orders.	Outlay.	Grants.	Outlay.	Outlay more than grant.	Outlay less than grant.
£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
67,197	46,785	38,598	30,288	4,725	3,466	...	16,062	...	6,157	...	18	672,276	648,658	...	23,618
58,179	66,390	6,783	6,290	8,508	6,900	351	114	320	2,228	100	195	465,546	595,158	129,612	
2,836	4,494	...	230	765	622	...	...	90	...	...	...	251,311	215,490	...	35,821
31,398	45,325	23,885	38,145	2,524	5,078	8,027	869	9,000	26,455	2,578	1,075	928,015	949,940	21,925	
25,990	13,419	...	...	9,387	11,562	...	...	1,000	...	...	...	419,957	192,767	...	227,190
185,600	176,413	69,266	74,953	25,909	27,628	8,378	17,045	10,410	34,840	2,678	1,288	2,737,105	2,602,013	...	135,092
10,100	8,098	4,200	4,572	1,424	1,324	223	3,917	160	1,454	...	...	176,180	216,304	40,124	
3,500	3,615	1,330	423	2,021	1,251	143	102	1,351	693	300	107	118,154	129,065	10,911	
850	1,207	...	...	210	124	...	...	70	...	...	8	232,544	260,014	27,470	
8,200	8,122	2,100	1,169	2,335	1,783	210	139	...	13,415	1,700	2,666	425,697	500,197	74,500	
650	591	...	...	321	226	...	...	...	...	...	...	7,011	8,856	1,845	
23,300	21,633	7,630	6,164	6,311	4,708	576	4,158	1,581	15,562	2,000	2,781	959,586	1,114,436	154,850	
5,697	6,478	2,596	2,313	1,994	1,732	2,166	177	...	1,622	...	...	149,279	150,911	1,632	
23,838	27,781	8,460	8,280	4,786	4,826	247	4,086	84	9,718	1,322	1,195	569,831	547,718	...	22,113
4,365	4,055	2,048	2,179	1,000	641							55,334	49,558	...	5,776
...	...	...	...	...	...	...	...	...	...	...	...	12,384	19,981	7,597	
33,900	38,314	13,104	12,772	7,780	7,199	2,413	4,263	84	11,340	1,322	1,195	786,828	768,168	...	18,660
...	3,085	...	519	...	419	...	868	...	4,756	...	507	19,844	128,621	108,777	
...	5,223	...	140	...	71	...	102	...	50	...	7	...	49,027	49,027	
242,800	244,668	90,000	94,548	40,000	40,028	11,367	26,436	12,075	66,548	6,000	5,778	4,503,363	4,662,265	158,902	
21,861	...	13,630	...	10,459	...	18,776	...	68,511	...	...	...	458,519	...	...	458,519
264,661	244,668	103,630	94,548	50,459	40,028	30,143	26,436	80,586	66,548	6,000	5,778	4,961,882	4,662,265	...	299,617
...	12,711	...	63	...	9,267	...	1,210	..	5,814	...	42	...	143,964	...	143,964
264,661	257,379	103,630	94,611	50,459	30,761	30,143	27,646	80,586	72,362	6,000	5,736	4,961,882	4,518,301	...	443,581
257,379	...	94,611	...	30,761	...	27,646	...	72,362	..	5,736	...	4,518,301			
7,282	...	9,019	...	19,698	...	2,497	...	8,224	...	264	...	443,581			

GENERAL ABSTRACT OF THE GRANTS AND EXPENDITURE FROM IMPERIAL
1st MAY 1864 TO

PART II.—Grants and Outlay on Railways Guaranteed, on Railways, not

	Madras.		Bombay.		Bengal.	
	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.
	£	£	£	£	£	£
State outlay on Guaranteed Railways.						
Establishment .. Consulting Engineer and his Establishment	4,448	4,666	11,000	10,154	6,180	5,146
Establishment .. Civil Officer's Establishment	...	57	...	...	984	1,362
Purchase of land	14,980	27,063	160,000	198,837	40,000	40,060
	19,428	31,786	171,000	208,991	47,164	46,568
Add additional grants—Deduct decrease in grants	...	...	...	...	...	...
	19,428	31,786	171,000	208,991	47,164	46,568
Deduct outlay from grants	31,786	...	208,991	...	46,568	...
Difference ... Saving	...	...	...	...	596	...
Difference ... Excess	12,358	...	37,991	...	...	...
State outlay on Railways not Guaranteed.						
Establishment	...	...	...	...	...	...
Purchase of land	...	...	...	...	...	...
Total	...	...	...	...	...	...
Deduct decrease in grant as per Appendix A ...	...	...	...	...	...	...
Balance	...	...	...	...	...	...
Deduct outlay from grants	...	...	...	...	...	...
Difference ... Saving	...	...	..	...	...	...
Difference ... Excess	...	...	...	...	...	...
State outlay on Madras Canal and Irrigation Company.						
Establishment ... Consulting Engineer and Establishment	3,180	2,476				
Establishment ... Civil Establishment ...	1,076	786				
Purchas of land	22,211	1,262				
	26,467	4,524				
Deduct decrease in grant as per Appendix A ...	19,380					
	7,087	4,524				
Deduct outlay from grant	4,524					
Saving	2,563	...				

* Includes deterior

FUNDS ON ACCOUNT OF PUBLIC WORKS IN INDIA, FOR THE YEAR FROM 30TH APRIL 1865.

GUARANTEED, AND ON GUARANTEED AND AIDED IRRIGATION COMPANIES.

N. W. PROVINCES.		PUNJAB.		CENTRAL PROVINCES.		OUDH.		TOTAL.		DIFFERENCE.	
Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Outlay more than grant.	Outlay less than grant.
£	£	£	£	£	£	£	£	£	£		
6,670	4,259	3,900	3,800	...	...	...	...	32,198	28,025	...	4,173
...	...	...	...	...	...	...	...	984	1,419	435	...
12,370	3,625	17,500	67,173	5,000	641	...	...	249,850	337,399	87,549	..
19,040	7,884	21,400	70,973	5,000	641	...	...	283,032	366,843	87,984	4,173
1,500	...	...	...	1,500	...	...	...	...	...	...	...
20,540	7,844	21,400	70,973	3,500	641	...	...	283,032	366,843	87,984	...
7,884	...	70,973	...	641	...	...	...	366,843	...	4,173	...
12,656	...	...	..	2,859	...	...	...	...	...	...	...
...	...	49,573	..	...	...	...	...	83,811	...	83,811	
720	...	...	...	...	...	2,747	1,261	3,467	1,261	...	2,206
25,000	...	...	...	...	...	10,000	2,561	35,000	2,561	...	32,439
25,720	...	...	...	..	...	12,747	3,822	38,467	3,822	...	34,645
19,009	...	...	...	...	...	2,000	...	21,009	...	...	21,009
6,711	...	...	...	...	...	10,747	3,822	17,458	3,822	...	13,636
...	...	...	...	...	...	3,822	...	3,822	..	...	...
6,711	...	...	...	...	...	6,925	...	13,636	...	...	13,636
...	...	...	...	..	...	...	...	...	...	...	...

Report by MAJOR G. CHESNEY, *Accountant General, Public Works Department, on the expenditure on Public Works in India incurred during the year* 1864-65, *against the Imperial Budget Grant.*

Herewith I submit the General Account of Expenditure on Public Works in India, as compared with the Imperial Budget Grant assigned for the purpose for the year 1864-65.

2. I may here state that the Public Works Accounts were separated from the Civil Accounts, and rendered to the Accountant General, Public Works Department, from the commencement of the year 1864-65, and that this is therefore the first year of the new system, and the first occasion on which this Office has had to prepare the Public Works Accounts of India. I may add that the Provincial Accounts have been rendered with great punctuality, and in excellent form, by the different Public Works Controllers, with the single exception of those from Bombay, the delay in the submission of which has already been reported to Government. But for the delay in these, it would have been practicable to submit this consolidated account and report by the 1st November, or within six months after the termination of the official year to which they relate, and in fact this Report has been four months in type, waiting for the Bombay accounts to be completed.

3. This Account is accompanied by two additional accounts, one to represent the expenditure on Public Works undertaken by the Government, and the second to exhibit the State Outlay on Guaranteed Railways and Irrigation Works, and on Railways not guaranteed.

4. I should first notice the principal modifications made during the course of the year in the Budget Grants.

5. The original Imperial Public Works Budget Grant, including the Grant from Income Tax Funds, and the allotment rendered necessary by the loss on Railway exchange, amounted to £5,358,229, thus apportioned :—

	£	£
I.—Grant for Public Works undertaken by the Government		4,503,363
II.—Grant for State Outlay on Railways :—		
A—Guaranteed	283,032	
B—Not guaranteed	38,467	
		321,499
III.—Grant for State Outlay on account of the Madras Canal and Irrigation Company		26,467
Total		4,851,329
IV.—Grant from one per cent. Income Tax Fund		250,000
V.—Grant for Loss by Railway exchange		256,900
Grand Total ...		5,358,229

6. During the course of the year, the grant of £4,503,363 for Public Works undertaken by the Government was increased to £4,961,882, in the following manner :—

	£
Additional grants sanctioned by Government of India in Financial Department, as per Appendix A	373,680
Grants transferred under authority of Financial Department from Budget assignments of other Departments, as per ditto ditto	3,232
Grants in consideration of receipts by contributions, as per ditto	41,218
Grants transferred from the assignment for State Outlay on Railways not guaranteed, as per ditto	21,009
Grants transferred from the assignment for State Outlay on account of the Madras Canal and Irrigation Company	19,380
Total ...	458,519
Add original Grant ...	4,503,363
Grand Total	4,961,882

7. The assignment for State Outlay on Railways not guaranteed was reduced by £21,009 transferred to the Grant for Public Works Prop[illegible] the

8. These modifications resulted in the aggregate Imperial Budget Grant for Public Works being increased to £5,776,359, thus divided among the various classes of expenditure :—

	£	£
I.—Grant for Public Works undertaken by the Government		4,961,882
II.—Grant for State Outlay on Railways :—		
A—Guaranteed	283,032	
B—Not guaranteed	17,458	
		300,490
III.—Grant for State Outlay on account of the Madras Canal and Irrigation Company		7,087
Total		5,269,459
IV.—Grant from one per cent. Income Tax Fund ...		250,000
V.—Grant for Loss by Railway exchange		256,900
Grand Total ...		5,776,359

9. I will now proceed to review separately the outlay incurred against each of these grants.

I.—State Works undertaken by P. W. Dept.

10. Against the assignment of £4,961,882 for Public Works Proper, an expenditure of £4,518,301 has been recorded, leaving a saving or short outlay of £443,581, equivalent to 8·94 per cent. of the aggregate allotment.

11. It may here be noted that of the total grant and expenditure, £231,557 and £228,814, respectively, are on account of the works at Bombay undertaken in connection with the Rampart Removal, and to be covered eventually by the special revenue to be realized from the sale of lands thus made available. During the year 1864-65, the realizations exceeded the expenditure, and consequently these works virtually constituted no charge on Imperial revenues.

12. The following Table exhibits the grants and expenditure for each Province separately, the part of each Provincial grant which has lapsed, and the percentage this part bears to the total grant.

TABLE A.

Expenditure incurred by the P. W. Dept. on State Works. Grants and Expenditure compared by Provinces.

Local Governments and Administrations.	Grant.			Outlay.	Difference.		Percentage which the	
	Original Grants.	Additional Grants.	Total.		Outlay less than original Grant.	Outlay more than original Grant.	Saving bears to the original Grant.	Excess bears to the original Grant.
	£	£	£	£	£	£		
Madras	680,000	49,815	729,815	676,941	3,059		·45	
Bombay { including Special Fund...	1,099,330	62,765	1,162,095	1,016,911	82,419		7·49	
Bombay { excluding Special Fund ...	895,000	35,538	930,538	788,097	106,903		11·94	
Bengal	575,000	176,892	751,892	722,947		147,947	..	25·73
N. W. Provinces ..	684,538	23,813	708,351	628,556	55,982		8·18	
Punjab	565,000	2,927	567,927	613,784	...	48,784	...	8·63
Central Provinces .	290,000	7,070	297,070	266,863	23,137		7·98	
British Burmah... ...	242,800	21,861	264 661	257,379		14.579	...	6·00
Oudh	207,253	2,000	209,253	103,804	103,449	...	49·91	
Hyderabad	90,000	13,630	103,630	94,611		4,611		5·12
Straits Settlements . .	40,000	10,459	50,459	30,761	9,239		23·09	
Rajpootana ...	11,367	18,776	30,143	27,646		16.279		143·21
Central India	12,075	68,511	80,586	72,362		60,287		499·27
Coorg	6,000	...	6,000	5,736	264	...	4·40	
Total { including Special Fund .	4,503,363	458,519	4,961,882	4,518,301		14,938	..	·33
Total { excluding Special Fund	4,299,033	431,292	4,730,325	4,289,487	9,546		·22	

13. This Table shows that, excluding the outlay incurred from the special Rampart Removal Fund, the total expenditure has not quite come up to the *original* grants, and consequently that the additional grants applied for, and granted by the Financial Department, during the course of the year were not really necessary. The wants of the Provinces which have exceeded their original grants, could have been met from the savings which accrued in other Provinces; but in several cases where an additional grant was applied for, the original grant to the Province has not been worked up to.

14. If the additional grants made during the course of the year were taken into account in exhibiting the savings and excesses of expenditure over allotments, the following would be the result :—

Provinces.	Outlay less than total grant, including additional grants.	Outlay more than total grant, including additional grants.	Percentage which the Saving bears to the total grant.	Percentage which the Excess bears to the tota grant.
	£	£	£	£
Madras	52,874	... ...	7·24	
Bombay { including special fund ..	145,184	... ...	12·49	
Bombay { excluding special fund	142,441	... ...	15·30	
Bengal	28,945	... ...	3·85	
North Western Provinces	79,795	... ...	11·26	
Punjab	...	45,857	...	8·07
Central Provinces	30,207	... ...	10·16	
British Burmah	7,282	... ...	2·75	
Oudh	105,449	... ...	50·39	
Hyderabad	9,019	... ...	8·70	
Straits Settlements	19,698	... ...	39·03	
Rajpootana	2,497	... ...	8·28	
Central India	8,224	... ...	10·20	
Coorg	264	... ...	4·40	
Total { including special fund ...	443,581	... ...	8·94	
Total { excluding special fund	440,838	... ...	9·32	

15. It will be observed from the preceding details, that the only Province in which the total Budget grant of the year has been exceeded is Punjab. This excess is one of account only, as it is due to outlay incurred in previous years, but standing at debit of disbursers, or of the account of advances, having been adjusted and brought to debit of service heads against the grant during the past year.

16. It may be here explained that the old "Inefficient" or "Suspense" heads have now been abolished, except for very trifling items, and all expenditure of this Department is now charged direct, as soon as it is incurred, to service heads. A recurrence of such a case as that which has now happened in Punjab is therefore impossible.

17. The most marked case of short outlay has occurred in Oudh, where more than half the grant has been allowed to lapse. This has been specially noticed by the Government of India in the orders on the accounts of that Province. Next to Oudh in this respect comes the Straits Settlements, lapsed amount 39 per cent. of grant; this also has been noticed in the proper place.

18. Generally, it may be said that the great difference between the grants and outlay is principally due to the delay in supply of standard plans of Military buildings, and in settlement of the permanent distribution of the European Garrison of India. Until these points were determined, barrack building could not begin.

19. Table B, which follows next, shows the grants and expenditure of the year, distributed according to the main divisions by which the Public Works outlay is classified.

TABLE B.

Grants and Expenditure for State Public Works in India for 1864-65, *distributed under main heads of Service.*

Heads of Service.	Grants.			Outlay.	Difference.		Percentage which the	
	Original Grants.	Additional Grants.	Total.		Outlay less than original Grant.	Outlay more than original Grant.	Saving bears to the original Grant.	Excess bears to the original Grant.
	£	£	£	£	£	£		
Original Works. including special fund ...	2,737,105	345,156	3,082,261	2,602,013	135,092	.....	4·93	
Original Works. excluding Bombay special fund ...	2,532,775	321,261	2,854,036	2,376,025	156,750	.....	6·06	
Repairs ...	959,586	99,886	1,059,472	1,114,436	.....	154,850	.....	16·13
Establishment. including Bombay special fund	786,828	6,927	793,755	768,168	18,660	.....	2·37	
Establishment. excluding Bombay special fund	786,828	3,945	790,773	765,342	21,486	.....	2·73	
Tools and Plant. including Bombay special fund ..	19,844	6,550	26,394	128,621	.....	108,777	.....	548·16
Tools and Plant. excluding Bombay special fund..	19,844	6,200	26,044	128,621	.....	108,777	.....	548·16
Profit and Loss .	.	..	...	49,027	.....	49,027	.....	.
Total	4,503,363	458,519	4,961,882	4,662,265	.....	158,902	.....	3·52
* Deduct decrease in Stock	.....	.	.....	143,964	143,964	.....	3·19	
Total including special fund .	4,503,363	458,519	4,961,882	4,518,301	. .	14,938	.....	·33
Total excluding special fund	4,299,033	431,292	4,730,325	4,289,487	9,546	.....	·22	

* [*i.e.*, excess in value of materials issued from stores and charged to works, above value of materials purchased and brought on to Store.]

20. The above figures show that, while the expenditure on Original Works and Establishment has fallen short of the *original* allotment assigned for those heads of service by 4·93, and 2·37 per cent. respectively, that for Repairs has exceeded the *original* grant by 16·13 per cent. The causes of these variations will be dwelt upon in the sequel.

21. The excess outlay of £108,777 on Tools and Plant simply arises from the fact that this head of service was not introduced until after the Budget-Estimates of the year had been prepared; it was therefore prescribed that, during this year, the expenditure incurred under this new head should be met from the grant for Original Works. Applying this rule in the present case, the result would be that the saving on Original Works would be reduced to £26,315, or about ·09 per cent. of the assignment. This mode of dealing with the charge was quite an arbitrary one, since, of course, Tools and Plant are used upon Repairs as well as on Original Works, but it was determined on for the sake of simplicity in making appropriations during the year. Due provision has been made for Tools and Plant in the estimates of 1865-66.

22. The large amount of £49,027 charged off as Profit and Loss, which is 1·08 per cent. of the whole grant, is a very noticeable, and by no means satisfactory, feature of the account. Special enquiry is now being made into each item, and the matter will be dealt with subsequently when the needful explanation is received from the different Provinces. But it may be stated here that the principal

and by far the largest, item in the charge is due to depreciation of Stock. A large accumulation of useless materials had taken place throughout the country, which had been going on for many years; these materials, under orders of the Government of India, have been sold off during this and the previous year; and the amount now charged as deterioration represents the difference between the actual realization from these sales, and the nominal value of the goods on the books of this Department. The case was exceptional, and is not likely to occur again, except to a very trifling extent.

23. The value of departmental materials has decreased during the year by £143,964, which is partly due to materials (especially road metal) being now charged direct to the grant, and partly to the departmental stores having been generally reduced by better management. This may be considered a satisfactory feature in the operations of the year.

24. With respect to the outlay incurred on Original Works and Repairs the following three Tables compare the grants and expenditure for each Province under the three great classes of outlay, *viz.*, Military, Civil Administration, and Public Improvement :—

TABLE C.

Grant and Expenditure for Military Works, 1864-65.

Heads of Service.	Original Works.		Repairs.		Total.		Difference.	
	Original Grants.	Outlay.	Original Grants.	Outlay.	Original Grants.	Outlay.	Outlay less than Grant	Outlay more than Grant.
	£	£	£	£	£	£	£	£
Madras	100,777	72,011	13,132	14,541	113,909	86,552	27,357	
Bombay, including special fund ...	134,035	252,861	40,000	27,177	174,035	280,038	...	106,003
Bombay, excluding do.	134,035	123,790	40,000	27,177	174,035	150,967	23,068	
Bengal	31,727	28,462	25,920	55,089	57,647	83,551	.....	25,904
North Western Provinces ...	109,823	65,155	41,925	39,242	151,748	104,397	47,351	
Punjab	102,760	86,290	21,608	45,702	124,368	131,992	. .	7,624
Central Provinces ...	39,082	17,434	7,400	10,208	46,482	27,642	18,840	
British Burmah ...	67,197	46,785	10,100	8,098	77,297	54,883	22,414	
Oudh...	43,552	23,669	10,088	4,980	53,640	28,649	24,991	
Hyderabad	38,598	30,288	4,200	4,572	42,798	34,860	7,938	
Straits Settlements ...	4,725	3,466	1,424	1,324	6,149	4,790	1,359	
Rajpootana	..	16,062	223	3,917	223	19,979	.	19,756
Central India	..	6,157	160	1,454	160	7,611	...	7,451
Coorg	...	18	...	.	...	18	...	18
Total, including special fund ...	672,276	648,658	176,180	216,304	848,456	864,962	.	16,506
Total, excluding do.	672,276	519,587	176,180	216,304	848,456	735,891	112,565	
Saving including special fund	23,618		...		.....			
Saving excluding do.	152,689		.....		112,565			
Excess including special fund	.....		40,124				16,506	
Excess excluding do.	.....		40,124					

25. It will be observed that in almost every Province the outlay on Original Works, Military, has fallen short of the allotment. The total amount which has thus lapsed, excluding the expenditure from special funds, amounts to 22·7 per cent. of the original grant assigned for this head of service. As has already been observed, the slow state of progress indicated by these figures appears to have been unavoidable.

26. In Repairs, Military, an excess expenditure of £40,124, or 23·3 per cent. of the *original* grant has occurred; this excess is mainly due to charges in Bengal* and Punjab;† those in the former Province arose out of the extensive damage caused by the Cyclone of October 1864; and those in Punjab to the fact that the grant made was found to be inadequate to the purpose. The needful re-appropriations were duly applied for during the course of the year, and sanctioned by the Government of India.

	£.
* Excess...	29,169
† Excess...	24,094

27. The total outlay on Military Works, excluding the expenditure from the special fund, Bombay, it will be seen, has fallen short of the allotment by £112,565, or 13·2 per cent. of the aggregate grant for this head of service.

28. The following Table shows the grants and outlay for each Province for Civil Buildings :—

TABLE D.

Grant and Expenditure for Civil Buildings, 1864-65.

	Original Works.		Repairs.		Total.		Difference.	
	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Outlay less than Grant.	Outlay more than Grant.
	£	£	£	£	£	£	£	£
Madras	81,844	68,498	15,087	11,048	96,931	79,546	17,385	
Bombay { including special funds...	41,385	103,786	22,214	26,010	63,599	129,796	..	66,197
Bombay { excluding ditto ...	**41,385**	**87,767**	**22,214**	**26,010**	**63,599**	**113,777**	...	**50,178**
Bengal	98,970	161,700	35,500	57,110	134,470	218,810		84,340
North Western Provinces	70,591	84,077	20,007	14,255	90,598	98,332	...	7,734
Punjab	45,760	45,279	9,484	10,304	55,244	55,583	.	339
Central Provinces ..	24,863	26,033	3,805	2,151	28,668	28,184	484	
British Burmah ...	58,179	66,390	3,500	3,615	61,679	70,005	.	8,326
Oudh	27,892	23,668	3,412	1,996	31,304	25,664	5,640	
Hyderabad ...	6,783	6,290	1,330	423	8,113	6,713	1,400	
Straits Settlements ...	8,508	6,900	2,021	1,251	10,529	8,151	2,378	
Rajpootana	351	114	143	102	494	216	278	
Central India	320	2,228	1,351	693	1,671	2,921	...	1,250
Coorg	100	195	300	107	400	302	98	
Total { including special funds...	465,546	595,158	118,154	129,065	583,700	724,223	.	140,523
Total { excluding ditto ...	**465,546**	**579,139**	**118,154**	**129,065**	**583,700**	**708,204**	...	**124,504**
Excess, { including special fund ...	129,612		10,911		140,523			
Excess, { excluding ditto ...	**113,593**		**10,911**		**124,504**			

29. It will be noticed that the outlay on Original Works, Civil Buildings, has exceeded the *original* allotment by £129,612, or 27·8 per cent. This excess is chiefly due to expenditure in Bengal and Bombay for which extra grants were assigned during the course of the year, and which, having been specially referred to in the separate Reports on the accounts of those Provinces, need not be further dwelt on here.

30. On Repairs, too, there has been an excess outlay of £10,911, or 9·1 per cent. of the *original* allotment, which also is mainly attributable to the Cyclone.

31. On the whole, the outlay on Civil Buildings has exceeded the *original* Budget grant by 24·1 per cent. of the allotment.

32. The following is an abstract of the Grants and Expenditure on account of

TABLE

Grants and Expenditure for Works of

	AGRICULTURAL.						COMMUNICATIONS.					
	ORIGINAL WORKS.		REPAIRS.		TOTAL.		ORIGINAL WORKS.		REPAIRS.		TOTAL.	
	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.
	£	£	£	£	£	£	£	£	£	£	£	£
Madras	48,978	55,712	108,528	110,541	157,506	166,253	62,608	84,690	110,224	118,928	172,832	198,618
Bombay { including special fund	48,431	57,245	40,385	25,435	88,816	82,680	179,213	186,831	61,385	31,198	240,598	218,029
Bombay { excluding ditto ..	48,431	57,245	40,385	25,435	88,816	82,680	179,213	186,831	61,385	31,198	240,598	218,029
Bengal . ..	41,568	12,194	23,750	36,406	65,318	48,600	137,735	189,648	68,720	93,309	206,455	282,957
N. W. Provinces .	53,212	40,084	37,425	46,399	90,637	86,483	148,207	96,341	70,877	99,264	219,084	195,605
Punjab ...	55,431	44,909	21,296	39,894	76,727	84,803	114,156	127,587	65,385	107,042	179,541	234,629
Central Provinces .		..	30		30	...	135,653	129,406	15,890	14,746	151,543	144,152
British Burmah .	2,836	4,494	850	1,207	3,686	5,701	31,398	45,325	8,200	8,122	39,598	53,447
Oudh... . ..	...			...	...	...	73,031	18,490	18,671	13,416	91,702	31,906
Hyderabad	..	230		..	...	230	23,885	38,145	2,100	1,169	25,985	39,314
Straits Settlements...	765	622	210	124	975	746	2,524	5,078	2,335	1,783	4,859	6,861
Rajpootana	...	.	..	..	...	...	8,027	869	210	139	8,237	1,008
Central India ...	90		70		160	...	9,000	26,455	...	13,415	9,000	39,870
Coorg	...	...	..	8	...	8	2,578	1,075	1,700	2,666	4,278	3,741
Total { including special fund...	251,311	215,490	232,544	260,014	483,855	475,504	928,015	949,940	425,697	500,197	1,353,712	1,450,137
Total { excluding ditto ..	251,311	215,490	232,544	260,014	483,855	475,504	928,015	949,940	425,697	500,197	1,353,712	1,450,131
Outlay more than Grant .	...		27,470			...	21,925		74,500		96,425	
Outlay less than Grant ..	35,821		...	...	8,351							

Works of Public Improvement, under the three classes into which they are divided:—

E.

Public Improvement, 1864-65.

MISCELLANEOUS PUBLIC IMPROVEMENT						TOTAL.						DIFFERENCE.	
ORIGINAL WORKS.		REPAIRS.		TOTAL.		ORIGINAL WORKS.		REPAIRS.		TOTAL.		OUTLAY LESS THAN GRANT.	OUTLAY MORE THAN GRANT.
Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.		
£	£	£	£	£	£	£	£	£	£	£	£	£	£
2,746	2,869	3,029	2,756	5,775	5,625	114,332	143,271	221,781	227,225	336,113	370,496	...	34,383
373,718	162,144	1,016	2,655	374,734	164,799	601,362	406,220	102,786	59,288	704,148	465,508	238,640	...
169,388	81,247	1,016	2,655	170,404	83,902	397,032	325,323	102,786	59,288	499,818	384,611	115,207	
...	311	1,110	2,042	1,110	2,353	179,303	202,153	93,580	131,757	272,883	333,910	...	61,027
...	...	...	...	...	...	201,419	136,425	108,302	145,663	309,721	282,088	27,633	...
7,116	2,381	385	162	7,501	2,543	176,703	174,877	87,066	147,098	263,769	321,975	.	58,206
...	81	20	...	20	81	135,653	129,487	15,940	14,746	151,593	144,233	7,360	.
25,990	13,419	650	591	26,640	14,010	60,224	63,238	9,700	9,920	69,924	73,158	. .	3,234
...	...	480	424	480	424	73,031	18,490	19,151	13,840	92,182	32,330	59,852	..
...	...	...	...	...	...	23,885	38,375	2,100	1,169	25,985	39,544	...	13,559
9,387	11,562	321	226	9,708	11,788	12,676	17,262	2,866	2,133	15,542	19,395	...	3,853
...	...	...	...	...	...	8,027	869	210	139	8,237	1,008	7,229	...
1,000	...	...	...	1,000	...	10,090	26,455	70	13,415	10,160	39,870	...	29,710
...	...	...	...	...	...	2,578	1,075	1,700	2,674	4,278	3,749	529	...
419,957	192,767	7,011	8,856	426,968	201,623	1,599,283	1,358,197	665,252	769,067	2,264,535	2,127,264	137,271	...
215,627	111,870	7,011	8,856	222,638	120,726	1,394,953	1,277,300	665,252	769,067	2,060,205	2,046,367	13,838	
...	...	1,845		...	...	...	...	103,815		...	...	...	...
227,190		...	...	225,345		241,086		...	...	137,271		...	...
*103,757				*101,912		*117,653				*13,838			

ABSTRACT OF THE PRECEDING THREE TABLES.

	ORIGINAL WORKS.		REPAIRS.		TOTAL.	
	Grants.	Outlay.	Grants.	Outlay.	Grants.	Outlay.
Outlay on Public Improvement ...	1,599,283	1,358,197	665,252	769,067	2,264,535	2,127,264
Outlay on Civil Buildings ...	465,546	595,158	118,154	129,065	583,700	724,223
Outlay on Military Works ..	672,276	648,658	176,180	216,304	848,456	864,962
Additional Grants...	345,156		99,886	...	445,042	.
Total as per Table B ...	3,082,261	2,602,013	1,059,472	1,114,436	4,141,733	3,716,449

* Saving excluding grant from Rampart Removal Funds.

33. It will be noticed that the outlay on Original Works, Public Improvement, has fallen short of the *original* grant by £241,086, or 15·07 per cent. of the allotment. Of this sum £123,433 is due, as will be explained below, to the special land sales fund, leaving a saving of £117,653 against the ordinary Budget grant for Public Improvement. This is principally due to the large sums which had been allowed to lapse in the North Western Provinces* and Oudh.† This matter has already been duly noticed by the Government of India in the orders on the Appropriation Accounts of those Provinces.

* £64,994.

† £54,541

34. On the other hand, the *original* assignment for Repairs, Public Improvement, has been exceeded by the large sum of £103,815, or 15·6 per cent. of the allotment. This is mainly due to increased expenditure in Bengal to make good injuries done to the embankments by the Cyclone; to increased demands for maintenance of Irrigation Works in the North Western Provinces and Punjab; and for the maintenance of the roads in all three Provinces. In fact, the estimates for Repairs have generally proved to be insufficient. It appears certainly matter for regret that the sum available for new works of Public Improvement should be thus trenched upon by the continually increasing demands for the maintenance of existing works, but it seems unavoidable. Works already constructed must, of course, be maintained, in efficient order; and as Irrigation Works and roads extend, the charge for keeping them up must of necessity increase. And the only way of relieving the Imperial revenues is apparently to be found in a gradual transfer of these maintenance charges to Local revenues, an idea that has been broached on more than one occasion, but which has not as yet been developed into a practicable form.

35. It may be here explained that, in the original Budget-Estimate, the grant from the special funds in Bombay, was, in the absence of details, entered under the heading Miscellaneous Public Improvement, and has consequently been so entered in the preceding table. But the actual outlay under this head has only amounted to £80,897, the balance of the expenditure having been included under the headings Military and Civil Buildings, under which it properly comes. This will account for the short outlay of £123,133 under heading Public Improvement, noticed in para. 33 of this Report.

36. The deviations between the grants and expenditure for Public Improvement in various Provinces which called for special notice, have been dealt with in the Reports on the several Provincial Accounts.

37. The Table which comes next shows that the outlay on Minor Works has, during the past year, amounted to only 3·6 per cent. of the aggregate Budget allotment. This would seem to indicate that the time has come for fixing the grant for this service at a good deal less than 10 per cent. of the total grants. It is manifestly desirable to restrict this class of expenditure as much as possible, and to extend proportionally the money available for more important projects:—

TABLE G.

Grant and Expenditure for Minor Works, 1864-65.

Provinces.	Grants.	Outlay.	Percentage of outlay to aggregate Budget Grant.
	£	£	
Madras	67,336	25,874	3·5
Bombay	56,809	17,128	1·8
Bengal	32,219	24,072	3·2
North Western Provinces	67,678	28,798	4·0
Punjab	52,001	36,914	6·5
Central Provinces	19,344	7,148	2·7
British Burmah	20,400	8,547	3 2
Oudh	21,443	8,706	4·1
Hyderabad	8,714	2,670	2 5
Straits Settlements	6,730	8,446	16·6
Rajpootana	596	58	.
Central India	1,310	1,454	1·8
Coorg	100	330	5·5
Total ...	354,710	170,175	3·6

38. As the expenditure on Repairs has absorbed so much as 24·66 per cent. of the outlay on Public Works, the following Table, exhibiting the total grants and expenditure for this head of service for the past year for each Province, will be useful :—

TABLE H.

Grants and Expenditure on Repairs, 1864-65.

Provinces.	Grants.			Outlay.	Difference.	
	As originally assigned.	Add subsequent additional grants.	Total.		Outlay less than original grant.	Outlay more than original grant.
	£	£	£	£	£	£
Madras	250,000	11,881	261,881	252,814	.....	2,814
Bombay	165,000	21,452*	143,548	112,475	52,525	...
Bengal	155,000	80 000	235,000	243,956	.. ...	88,956
North Western Provinces ..	170,234	8,814	179,048	199,160	.. ..	28,926
Punjab	118,158	. .	118,158	203 104	.....	84,946
Central Provinces	27,145	1,530	28,675	27,105	40	.
British Burmah	23,300	100	23 400	21,633	1,667	
Oudh	32,651	.....	32,651	20,816	11,835	...
Hyderabad	7,630	.....	7,630	6,164	1,466	...
Straits Settlements	6,311	.....	6,311	4,708	1,603	.
Rajpootana	576	3,671	4,247	4,158	.....	3,582
Central India	1,581	15,342	16,923	15,562	.....	13,981
Coorg	2,000	.. ...	2,000	2,781	.. ...	781
Total ...	959,586	99,886	1,059,472	1,114,436	...	154,850

* Reduction of the grant.

39. The preceding results indicate that the Repair Estimates have not generally been prepared so as to represent at all accurately the actual wants of the year; in some cases the demand has been considerably over-estimated, while in others it has been under-estimated. It seems desirable to draw the attention of all Local Governments and Administrations to this circumstance, in view to the greatest possible care and forethought being exercised in the preparation of this part of the Budget-Estimate. It should apparently be quite possible to ascertain, with a reasonable approach to accuracy, the requirements for repairs, by a system of carefully prepared estimates for all the works to be repaired throughout each Province.

40. Turning now to the charges for Establishment, the following Table exhibits the grant and outlay for this head of service for the past year: —

TABLE I.

Grants and Expenditure for Establishment, 1864-65.

Provinces.	Grants.	Outlay.	Difference.		Percentage	
			More than grant.	Less than grant.	Of grant for Establishment on total original grant.	Of outlay for Establishment on total outlay.
	£	£	£	£		
Madras	123,047	129,370	6,323	.....	18·09	19·11
Bombay { including special fund	148,704	131,587	.. ..	17,117	13·52	12·94
Bombay { excluding special fund .	148,704	128,761	.....	19,943	16·62	16·34
Bengal	110,000	110,000	.....	. ...	19·13	15·22
North Western Provinces ...	132,471	133,368	897	.. ..	19·35	21·22
Punjab	121,619	112,745	.....	8,874	21·53	18 36
Central Provinces	62,257	50,800	... .	11,457	21·46	19·03
British Burmah	33,900	38,314	4,414	. .	13·96	14 88
Oudh	30,127	25,215	.....	4,912	14·54	24·29
Hyderabad	13,104	12,772	.....	332	14·56	13·49
Straits Settlements	7,780	7,199	.....	581	19·45	23 4
Rajpootana	2,413	4,263	1,850	.....	21·23	15·42
Central India	84	11,340	11,256	...	·69	15·67
Coorg	1,322	1,195	.....	127	22·03	20·83
Total { including special fund	786,828	768,168	.....	18,660	17·47	17·00
Total { excluding special fund.	786,828	765,342	.....	21,486	18·30	17·84

41. It will be noticed with satisfaction that the aggregate charges for Establishment have fallen short of the grant by £18,660. The Budget-Estimate of the year contemplated that these charges should amount to 17·47 of the total allotment; the actual charge amounts to 17 per cent. on the total expenditure.

42. This percentage would have been considerably less had the grants been worked up to in Bombay, Madras, North Western Provinces, Oudh, and the Straits Settlements. But while in these Provinces the work done has fallen considerably short of what was expected, the Establishments have been kept up very nearly to their full strength. This enhancement of the proportion borne by establishment charges to expenditure on work is one of the evils attending a deficiency of vigour in the operations of this Department, the tendency to which may always be usefully borne in mind.

43. The detailed charges in the foregoing Table having undergone review in the separate Reports of the different Provincial Accounts, do not call for further notice here, but it may be observed that the Establishment charges in Oudh are conspicuous as having been the most expensive of any in India, owing to new works of all kinds having been almost at a stand-still there, and the grants supplied not having been made use of.

44. The following Table exhibits the charges on account of Establishment divided under the heads Salaries, Travelling Allowances, and Contingencies:—

TABLE J.

Charges for Establishment, 1864-65, *distributed by Sub-heads.*

Provinces.	Salaries.	Travelling Allowances.	Contingencies.	Total.
	£	£	£	£
Madras	114,395	13,543	1,432	129,370
Bombay	107,917	16,994	6,676	131,587
Bengal	93,370	12,300	4,330	110,000
North Western Provinces	111,789	12,163	9,416	133,368
Punjab	96,765	11,616	4,364	112,745
Central Provinces	44,590	4,250	1,960	50,800
British Burmah	32,304	3,179	2,831	38,314
Oudh	22,264	1,779	1,172	25,215
Hyderabad	10,624	1,657	491	12,772
Straits Settlements	6,691	420	88	7,199
Coorg	979	187	29	1,195
Total	641,688	78,088	32,789	752,565
Add Rajpootana, for which no details have been received				4,263
„ Central India „ „ „				11,340
Grand Total				768,168

45. The review of Establishment charges may be completed by the following Table, showing the proportion which the different items of Establishment charges bear to the total expenditure:—

TABLE K.

Percentage of Establishment charges to total expenditure.

Provinces.	Direction.	Construction.	Accounts.	Collection and Police.	Total.
Madras	5·10	12·19	·62	1·20	19·11
Bombay	2·26	10·29	·38	·01	12·94
Bengal	2 83	11·08	1·31	...	15·22
North Western Provinces	4·48	14·5	1·53	·71	21·22
Punjab	3·24	12·60	1·35	1·17	18·36
Central Provinces	3·07	14·51	1·45	...	19·03
British Burmah	2·51	10·80	1·57	...	14·88
Oudh	4·21	16·84	3·24	...	24·29
Hyderabad	2·44	8·75	2·30	...	13·49
Straits Settlements	5·63	15·69	2·08	...	23·40
Rajpootana	·64	14·78	...	...	15·42
Central India	2·24	13·43	...	...	15·67
Coorg	...	20·83	...	...	20·83
Total ...	3·35	12·12	1·09	·44	17.

II.—State Outlay on guaranteed Railways.

46. This completes the review of the account of expenditure on State Works. I have next to refer to the State Outlay on Guaranteed Railways, the account of which shows that the expenditure, £366,843, has exceeded the grant made at beginning of the year by £83,811. This excess has been principally incurred in Punjab, where the large sum of £66,688, outlay of former years, extending to so far back as 1861-62, but which had been held in Inefficient Balance in the Books of the Civil Department (Local Accountant General) had to be adjusted during the past year, by being carried to service heads against the grants. This sum deducted, leaves £300,155 as the actual outlay of the year against a grant of £283,032, being an excess of £17,123, or 6 per cent. of the assignment.

III.—State Outlay on Railways not guaranteed.

47. The State Outlay on Railways not guaranteed has amounted to £3,822, falling short of the original grant by £34,645, and the modified one by £13,636.

The only work which comes under this category is the Indian Branch Railway line from Cawnpoor to Lucknow. The estimate contemplated a great extension of operations in the North Western Provinces and Oudh, which was not carried out, so that the sum taken in the estimate for purchase of land was not required.

IV.—State Outlay for guaranteed Irrigation Works.

48. The expenditure of £4,524 by the State on account of the Madras Canal and Irrigation Company, has fallen short of the original grant by £21,943, and of the modified one by £2,563, due to land not having been taken up for the works to the extent contemplated. But generally, the estimates for land charges furnished to this Department have been thoroughly unreliable; and there is great need of improvement in their preparation, which it may be hoped the late orders and strictures of the Government of India on this point may succeed in bringing about.

49. The loss by Railway exchange amounts to £148,449 against a grant of £ 256,900. The details of the loss are as follows :—

		£
Net loss,	Bengal and North West Provinces ...	11,771
,,	Madras	9,119
,,	Bombay	100,936
,,	Punjab	26,623
	Total ...	148,449

V.—Summary of Grants and Expenditure.

50. The following is a summary of the entire Public Works expenditure against the aggregate Imperial Budget Grant :—

TABLE L.

Total Expenditure against Public Works grant.

Grants.	Grant as originally assigned.	Grant as modified during year.	Outlay.	Difference.	
				Outlay less than Original Grant.	Outlay more than Original Grant.
	£	£	£	£	£
Grant for State Works	4,503,363	4,961,882	4,518,301	.....	14,938
Grant for State Outlay on Guaranteed Railways	283,032	283,032	366,843	.....	83,811
Ditto Railways not Guaranteed	38,467	17,458	3,822	34,645	
Ditto on account of the Madras Irrigation and Canal Company	26,467	7,087	4,524	21,943	
Total ...	4,851,329	5,269,459	4,893,490	.....	42,161
Income Tax grant	250,000	250,000	250,000		
Loss by Railway exchange	256,900	256,900	148,449	108,451	
Total ...	5,358,229	A 5,776,359	B 5,291,939	66,290	
Add additional grants	.....	.....	.....	418,130	
Total Saving A—B ...	.....	.....	.....	484,420	

VI.—Expenditure from Local Funds.

51. The following is an abstract of the expenditure incurred from Local Funds and accounted for to the Public Works Department during 1864-65 :—

TABLE M.

Expenditure from Local Funds by Officers of the Public Works Department.

Provinces.	Original Works.	Repairs.	Establishment.	Tools and Plant.	Profit and Loss.	Total.
	£	£	£	£	£	£
Madras	39,847	20,505	10,646	...	45	71,043
Bombay	120,633	75,188	22,837	...	...	218,658
Bengal	180,437	32,154	40,352	1,557	...	254,500
North Western Provinces ...	30,656	29,135	...	...	...	59,791
Punjab	41,296	4,549	1,637	4	...	47,486
Central Provinces	8,948	614	186	...	...	9,748
British Burmah	27,433	5,767	1,200	208	...	34,608
Oudh	2,335	...	...	...	...	2,335
Hyderabad	5,797	...	...	...	...	5,797
Coorg	3,653	...	...	...	...	3,653
Total ...	461,035	167,912	76,858	1,769	45	707,619

52. Of the above expenditure, £32,958, in the North Western Provinces, has been incurred by Civil Officers, leaving a sum of £674,661 expended by Officers of the Public Works Department.

VII.—Public Works Revenue.

53. I conclude this Report by a summary of the Public Works Income collected by the Public Works Department during the year 1864-65 :—

TABLE N.

Summary of Public Works Income realized by P. W. Dept. during the year 1864-65.

Provinces.	Tolls, dues, fines, and refunds; rents of buildings or land; sales of materials from old buildings.	Profits on sales of Barrack supplies.	Contributions for Public Works.	Total.
	£	£	£	£
Madras	11,730	...	...	11,730
Bombay	169,268	...	..	169,268
Bengal	27,326	618	2,642	30,586
North Western Provinces	27,077	...	4,935	32,012
Punjab	20,647	273	2,508	23,428
Central Provinces	7,347	...	...	7,347
British Burmah	6,121	...	...	6,121
Oudh	1,230	136	...	1,366
Hyderabad	3,433	...	...	3,433
Straits Settlements	1,070	...	10,460	11,530
Rajpootana	2,417	...	...	2,417
Central India	99	...	...	99
Coorg	43	...	...	43
Total	277,808	1,027	20,545	299,380

54. I should explain that the receipts represented in the preceding table only exhibit the collections by the Public Works Department; the rules directing that the Public Works income realized in the Civil Department, such as water-rents, &c., should be accounted for in the Public Works Accounts, took effect only from the 1st May 1865.

G. CHESNEY,

Accountant General, P. W. Dept.

CALCUTTA,
The 28th February, 1866.

APPENDIX A.

Statement of additional grants made on account of Public Works undertaken by the State during 1864-65.

Authority. Order.	No.	Date.	Particulars.	Amount.	Total.
			Additional grants sanctioned by Financial Department.		
		1864.		£	£
Govt. of India, Financial Dept.	1931	17th August	Upper-story to range of Opium Buildings, Calcutta	15,000	
Ditto ditto ...	2782	4th October	Additional grant to British Burmah on account of works at Port Blair	21,861	
Ditto ditto ...	3130	8th Novr.	Additional grant to Hyderabad for roads in Berar	13,630	
Ditto ditto ...	249	19th Jan. 1865.	Additional assignment for Public Works, Bombay	100,000	
Ditto ditto ...	547	31st „	Additional assignment to Bengal for Cyclone repairs, Central Jails and Roads	150,000	
Ditto ditto ...	1	12th „	Additional grant to Madras for land taken up for public purposes	25,312	
Ditto ditto ...	855	18th Feb.	Additional grant to Bombay on account of Rampart Removal Committee Works ...	27,227	
Ditto ditto ...	1169	4th March	Additional grant to Madras for improvement of tidal creek at Masulipatam	400	
Ditto ditto ...	1175	13th „	Additional grant to Bengal for buildings for Bhootan Field Force	10,000	
Ditto ditto ...	1527	24th „	Additional grant to Central Provinces for Central Jails	9,500	
Ditto ditto ...	2216	1st Sept. 1864.	Additional grant to Punjab for purchase of Hindoo Rao's house, Delhi	4,300	
					377,230
			Deduct reductions in Public Works Grant.		
Govt. of India, P. W. Dept. ...	561A	1864. 24th Sept.	Amount transferred to the Civil Budget-Estimate to meet salary of Lieut.-Colonel W. A. Crommelin, C. B.	1,550	
Ditto Finl. Dept...	1764	31st March	Amount transferred to the Civil Budget-Estimate on account of Educational Buildings in the Central Provinces	2,000	
					3,550
			Net amount of additional grants ...		373,680
			Additional grants by transfer from Budget-Estimates of other Departments.		
Govt. of India, Finl. Dept.	2932	12th Oct. 1864.	Amount transferred from the Budget-Estimate of the Telegraph Department for the construction of a Telegraph Office at Burdwan ...	861	
		1865.			
Ditto ditto ...	102	6th May	Ditto ditto ditto, Sahibgunj ...	1,031	
Ditto ditto ...	102	31st Jan.	Ditto ditto from the Civil Budget-Estimate to that of the North Western Provinces on account of Ganges River Works ...	1,297	
Ditto ditto ...	1836	11th March	Ditto ditto ditto to that of Madras for repairs to Post Offices	43	3,232
			Additional grants by Contributions.		
			MADRAS.		
			Aggregate of petty contributions ...	4,680	
			BOMBAY.		
			David Sassoon Hospital, Bombay ... 1,675		
			Leper ward in J. J. Hospital ditto .. 4,601		
			Venetians for C. J. Hospital, Surat ... 200		
			Carried over ... 6,476	4,680	376,912

Statement of additional grants, &c.,—continued.

Authority. Order.	No.	Date.	Particulars.		Amount.	Total.
					£	£
			Bombay—*contd.*			
			Brought forward... ...	6,476	4,680	376,912
			Cowasjee Jehangir's Elphinstone College, Bombay	2,036		
			Deccan College, Poona	7,615		
			Engineering College, Poona	34		
			Bridge at Yawgul	1,146		
			Cursetjee Furdoonjee's Dhurmsalla, Surat	728		
			Putting up machinery water-works, Poona	2,400		
			From Dapooree Estate Fund	868		
			From Matheran Station Fund ...	284	21,587	
			N. W. Provinces.			
			Contribution by Allahabad community for Presbyterian Church, Allahabad...	1,900		
			Contribution by Maharajah Scindiah, for repairs to Agra and Bombay Road	2,415	4,315	
			Punjab.			
			Contribution for place of Worship for Soldiers, Rawul Pindee		177	
			Straits Settlements.			
			Contribution for building new sea quay wall	10,122		
			Contribution for forming new road from River valley to Passer Panjang ...	264		
			Contribution for building a landing step at Compong, Malacca	42		
			Contribution for water-works, Singapoor	31	10,459	41,218
		1865.	*Additional grants by transfer from the assignment for State outlay on Railways.*			
Govt. of India, P. W. Dept., ...	38A	9th January	Improvements to Ganges Canal		10,000	
Ditto ditto ...	238A	22nd March	Establishments for ditto		1,509	
Ditto ditto ...	302A	8th April	Road between Mozuffurnuggur and River Jumna		2,000	
Ditto ditto ...	237A	20th March	Repairs, 4th Division Grand Trunk Road ...		4,500	
Ditto ditto ...	427A	12th May	Converting the buildings used for the Artillery School of Instruction at Meerut into barracks for married men		1,000	
Ditto ditto ...	Telegram dated 28th March 1865		Amount transferred for the construction of Police Buildings, Oudh		2,000	21,009
		1865.	*Additional grants by transfer from assignment for State Outlay on account of Madras Canal and Irrigation Company.*			
Govt. of India, P. W. Dept. ...	176 A	27th Feb.	Amount transferred on account of certain original works not entered in Budget-Estimate...		380	
Ditto ditto ...	373 A	29th April	Ditto ditto ditto ...		102	
Ditto ditto ...	348 A	12th „	Ditto ditto ditto ...		4,530	
Govt. of Madras	...	...	Ditto ditto, for works entered in Budget-Estimate		1,031	
Govt. of India, P. W. Dept. ...	246 A	29th March	Ditto for Cyclone repairs		10,000	
Ditto ditto ...	348 A	12th April	Ditto ditto		1,837	
Ditto ditto ...	422 A	15th May	Ditto, Tools and Plant		1,500	19,380
			Total net amount of additional grant on account of Public Works undertaken by State ...			458,519

HOME DEPARTMENT.

Complaints of the Postal arrangements between Calcutta and Debrooghur.

From A. M. MONTEATH, ESQ., Under Secy. to Govt. of India, Home Dept., to the Post Master General of Bengal,—No. 759, dated the 22nd January 1866.

In this morning's *Englishman* there is a letter from a correspondent, dated Debrooghur, January 6th, containing great complaints of the Post Office arrangements between Calcutta and that place, and making the specific statement that, whereas formerly the post used to reach Debrooghur from Calcutta in 15 or 16 days, the time now occupied is nearly 3 weeks.

I am desired to request that you will report whether there is any foundation for this statement; and if there is, that you will explain fully the cause of a state of things which, unexplained, seems so discreditable.

This communication is made to you direct in the absence of the Director General of the Post Office. A copy of it will be sent to him for his information.

From C. K. DOVE, ESQ., Post Master General of Bengal, to Under Secy. to Govt. of India, Home Dept.,—No. 6607, dated the 23rd January 1866.

I have the honor to acknowledge receipt of your letter No. 759 of the 22nd instant, and in reply to state that I have called on the Inspecting Post Master of Assam for an early, full and clear report regarding the delay of the mails from Calcutta to Debrooghur complained of in the Newspaper referred to in your letter, and on receipt of his reply, the result shall be duly intimated to you.

From MAJOR R. W. H. FANSHAWE, Offg. Post Master General of Bengal, to Under Secy. to Govt. of India, Home Dept.,—No. 8020, dated the 22nd March 1866.

In continuation of my letter No. 6607 of the 23rd January last, I have the honor to state for your information that the complaint made in the *Englishman* about the delay in the receipt of Calcutta mails at Debrooghur is not, I am sorry to say, wholly unfounded. From enquiries it appears that for some days the mails did in fact take more than 15 days to reach Debrooghur, but that was owing to the want of the full number of Boatmen and Runners in certain sections of the road. It appears that some of the old Boatmen and Runners had died and others absconded, and fresh men could not be found to replace them (labor being scarce in Assam) without great difficulty.

With regard to the general irregularities in the receipt of mails at Debrooghur complained of by the correspondent of the *Englishman*, I beg to state that they can be attributed partly to an insufficient Road Establishment, and partly to the nature of the country. A scheme for the revision of Establishment has since been sanctioned by the Director General of the Post Office, and orders have been issued for carrying out the same as early as possible, after which I have every reason to hope that the transit of the mails will be regular and satisfactory.

From E. C. BAYLEY, ESQ., Secy. to Govt. of India, Home Dept., to Director General of the Post Office of India,—No. 3003, dated the 28th March 1866.

I am directed to forward to you, in continuation of endorsement No. 760, dated 22nd January, the accompanying copy of a further communication from the Post Master General of Bengal, and in doing so, to express the hope of the Governor General in Council that you will give your close attention to the working of the Postal arrangements between Bengal and Upper Assam during the present year, so as to ensure the removal of all cause for the recurrence of complaints so evidently well founded as those which were referred to the Post Master General for report by my letter of the 22nd of January.

MILITARY DEPARTMENT.

Casualties in the Bhootan Field Force in the year 1865.

From the Government of India, to the Right Hon'ble the Secretary of State for India,—dated 22nd March 1866.

We have the honor to forward, for the information of Her Majesty's Government, the accompanying Return of Casualties in the Bhootan Field Force in the year 1865, prepared in the Office of the Adjutant General.

2. The health of the Troops during the present year has been very satisfactory.

3. The total casualties in 1865, you will perceive, are 1,936 on an average strength of 5,388 men actually employed on field service in the Dooar, or rather more than 35 per cent.; the deaths, from all causes, are less than 11 per cent., the balance, or 25 per cent., being made up of men who were sent, on Medical Certificate, to their Homes.

4. Of these latter, we are justified in believing that all but a small minority will rejoin their Regiments on the expiration of their furlough. Taking this into consideration, we concur with His Excellency the Commander-in-Chief in thinking that the facts shewn by the Return do not establish that the Troops employed in the Dooar have encountered greater sickness and larger mortality than generally falls to the lot of Soldiers, who, according to the exigencies of service in India, may be removed from ordinary Cantonments.

5. On the contrary, if compared with our experience of the first occupation of Sind, Burmah, and many of the stations in the Punjab, including some which have since been declared to be most healthy, we conceive that the Return may be considered favorable rather than otherwise to the new territory.

6. It is but natural that the history of old campaigns and the years of occupation immediately subsequent to them, should, under the circumstances of society in India, be speedily forgotten both by the Army and by the public; but to arrive at a fair conclusion, it is, we think, well to bear the experience in mind in attempting to measure by figures the positive results on Her Majesty's Troops of such service in the present day.

Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., cap. 67.

The Council met at Government House on Friday, the 23rd March 1866.

PRESENT:

The Hon'ble H. Sumner Maine, Senior ordinary Member, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Rájá Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble D. Cowie.

PRIVATE WATER-COURSES' BILL.

The Hon'ble Mr. Muir moved that the Report of the Select Committee on the Bill to provide for the appropriation of land required for private water-courses from Canals, be taken into consideration. He said that the Committee had received valuable suggestions from various Officers in the North-West Provinces and the Punjab. He might specially mention Mr. C. B. Thornhill of the Allahabad Board, Colonel Dyas and Captain Crofton, and Mr. A. O. Hume, C. B., as having furnished many of the amendments which had been adopted. His learned friend the Assistant Secretary to the Council had also taken great pains with the Bill, and had simplified and improved it. In fact, nearly the whole of it had been entirely redrawn by him.

Instead of providing for a proprietary transfer of the land, an accessorial right to form and maintain the water-course was all that was needed: and this change had simplified the measure.

An opportunity had also been given for objectors to lodge their complaints before the Collector, who was better qualified to judge of certain classes of objections than the Canal Officer; and power had been given to the Collector to hold the requisite investigations.

A Section had been added to provide for the adjustment of claims in cases of land occupied prior to the passing of the Bill.

The Lieutenant Governor of Bengal had given his opinion that the Bill was not at present required for that Province. But the Lieutenant Governor of the Punjab had expressed a wish that it should be made applicable to the Punjab and its dependencies. The Punjab had therefore been substituted for Bengal.

Power was also given to the Local Government of other Territories to extend its provisions.

The Motion was put and agreed to.

The Hon'ble Mr. Muir moved that the following words be added to Section 11: "and shall forward to the Collector the plan and a copy of the memorandum."

Also that in Section 12, for the last clause, the following words be substituted:—

"If the Commissioner agree with the Canal Officer, the Commissioner's decision on the points in dispute shall be final. If the Commissioner disagree with the Canal Officer, the whole case shall be referred to the final decision of the Local Government."

Also that in Section 14, line 8, after the word "formed" the following words be inserted: "The Canal Officer shall enter upon the intervening lands and mark out the limits of the proposed water-course; and thereupon"

Also that in the same Section the last sentence be omitted.

Also that in Section 15, the word "Collector" be substituted for "Canal Officer" and "Officer."

Also that in the same Section, line 14, the words "enter upon the intervening lands and mark out the limits of the proposed water-course, and shall thereupon" be omitted after the word "shall."

Also that in Section 16, the word "Collector" be substituted for "Canal Officer."

Mr. Muir, in moving these amendments, explained that they had been rendered necessary by communications received from certain Officers after the Committee had submitted their report.

It had been objected that the Commissioner of the Division who, under the Bill as settled in Committee, was the final referee on points in which the Canal Officer and Collector differed, would be incompetent to form an opinion on professional matters. It was therefore provided that where the Commissioner agreed with the Canal Officer his decision should be final; but where he differed, he should submit the case to the Government for its final decision.

Another amendment provided that the Canal Officer should enter upon and mark out the land, a process necessary as a preliminary to the adjustment by the Collector of the amount of compensation, rent or revenue.

The remaining amendments were intended to place the duty of requiring payment, and of arranging for the security of the rent, &c., in the hands of the Collector, as it had been pointed out by the Canal Officers themselves, that the Collector was in a better position than the Canal Officer to perform this duty effectively.

The Motions were severally put and agreed to.

The Hon'ble Mr. Muir then moved that the Bill as amended in Committee, with the additional amendments now approved, be passed.

The Motion was put and agreed to.

OUDE LIMITATION BILL.

The Hon'ble Mr. Muir moved that the Report of the Select Committee on the Bill to exempt certain suits in Oude from the operation of the rules of limitation in force in that Province, be taken into consideration.

He said that the Bill had been forwarded for the opinion of the Chief Commissioner of Oude before its introduction, and advantage had been taken of the observations of that Officer and of the Financial Commissioner, in the preparation of it as finally introduced. Since then, another communication had been received, in accordance with which some further amendments were made in Committee, to bring the measure into more entire conformity with the local law and with the agreements entered into by the Talookdars.

In reference to these agreements, Mr. Muir might add that they related to certain classes of cases in which villages held by Talookdars under *Sunnuds* were claimed by mortgagors. It had been held on the part of the Talookdars that the terms of the *Sunnuds* barred the claims of the mortgagors for redemption. But the Talookdars, admitting in such cases the equity of the mortgagor's title, had waived the claim which it was believed they possessed to bar the mortgagor's suit. In acknowledging this act, the Governor-General in Council had communicated to the Talookdars his high appreciation of the motives which had dictated this measure; and had added that "the sense of justice which had thus led them to forego privileges which they considered to be conveyed by the *Sunnuds* was most creditable to them, and was the best augury His Excellency could receive, that they would endeavour to discharge their important functions as landlords with integrity and consideration for the interests of those over whom they had been placed."

Mr. Muir added that the Secretary of State had communicated his entire concurrence in this view.

The Hon'ble Colonel Durand would not have approved of the Bill had not the Report of the Select Committee showed that, on the part of the Talookdars, there was a distinct and clear assent by them to the proposed measure. This had removed any doubt which he might have had with regard to the Bill. Their unanimous assent was much to their credit, much also to the credit of Mr. Wingfield, through whose influence no doubt that assent had been obtained. Colonel Durand concurred in the Report of the Committee, and was prepared to vote for the passing of the Bill. He repeated that much credit was due to the Talookdars for this concession, which would greatly increase the desire that the Government had always felt to be punctiliously scrupulous with reference to their rights and privileges.

The Motion was put and agreed to.

The Hon'ble Mr. Muir moved that the Bill be passed.

The Motion was put and agreed to.

Post Office Bill.

The Hon'ble Mr. Grey moved that the Report of the Select Committee on the Bill for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office, be taken into consideration. He said that the only parts of the Bill which seemed to have attracted much interest were those parts which related to the rates of postage.

The Council would recollect that, at a meeting of the Council some time ago, he (Mr. Grey) had stated that the Government thought it desirable to call for reports with the view of ascertaining whether the present very low unit of weight did really, as was supposed by some persons, act as a bar to the use of the Post Office by the bulk of the population. The returns to that enquiry had not yet been received, but the Council would have learnt from the Report of the Select Committee, that the Government had intimated its willingness, if the result of the enquiry should be to show that this low unit did really affect the use of the Post Office by the population at large, to introduce a modified scale of weight. He would only therefore add, now, that from no quarter had any spontaneous representation on the point been received.

As to the rates of newspaper postage, the Council would remember that when the Bill was introduced, he had said that although he was not able to acquiesce in the particular reason advanced for an increase of weight by those who had memorialized for it, he was yet prepared to think that the case, on its own merits might deserve consideration. The result of an enquiry which he had made had established this to a greater degree than he should have supposed. Taking the postal statistics of two newspapers, *The Friend of India* and *The Englishman*, it appeared (excluding those copies sent by post beyond sea) that of the aggregate mileage over which the aggregate number of newspapers were conveyed in India, no less than 67 per cent. in the one case, and 71 per cent. in the other case, was by railway. Only 18 per cent. in the one case, and 20 per cent. in the other case, was by runners or boats, the remaining quantities being by mail-cart or horse-dâk. This result had satisfied the Select Committee of the expediency of allowing an increase to the weight of newspapers, and the Director General of the Post Office, he was able to say, was entirely of the same opinion.

As to the book-packet rates of postage, the alteration made by the Committee was to reduce the single unit of weight from 20 to 10 tolahs, thereby putting book-packets on the same footing as newspapers. It was reasonable to conclude that pretty much the same classes who received English newspapers received also book-packets, and therefore it might be safely assumed that the result which he had just mentioned, about the proportion carried by railroad, would be found to apply approximately also to book-packets. In making this alteration, we should be following in fact the English practice. In England, the newspapers which had special privileges were those which paid the stamp duty. Unstamped papers and books were exactly on the same footing. As the Section was drawn, however, the book-packet postage in this country would be on a more liberal footing than it was in England, for it would admit of any class of articles whatever being sent by the Book-Post which the transmitter might be willing to send packed in the special way which might be required by the Book-Post rules. The same privilege was partially conceded in England by means of the Pattern-Post, by which, however, the postage-rates were double those of the Book-Post.

There remained to be mentioned a simple alteration made in the rate of postage on the convey-

ance of closed parcels by the Banghy-Post, a business that did not properly appertain to the Post Office. The general effect of the alteration would be to increase the rate of postage on all parcels carried very short distances, and to reduce it on small parcels when carried a greater distance than 100 miles. Thus a small parcel under 20 tolahs weight, instead of, as at present, being charged two annas for less than 100 miles, and six annas for a distance exceeding 100 miles and less than 300 miles, would be charged a uniform rate of four annas up to 300 miles; for a distance between 300 and 600 miles it would be charged eight annas, instead of twelve annas; between 600 and 900 miles twelve annas, instead of one Rupee two annas; and between 900 and 1,200 miles one Rupee, instead of one Rupee eight annas. A similar alteration and reduction would take place on parcels weighing more than 20 tolahs and less than 50 tolahs.

There was no other alteration in the Bill, as amended by the Select Committee, on which it was necessary for him to make any remark.

The Right Hon'ble MR. MASSEY said that he thought that the recommendations of the Select Committee were marked by moderation and good sense. With regard to raising the unit of weight, he considered the Post Office so potent an engine of civilisation, that no Government would be justified in allowing fiscal considerations to stand in the way of such an improvement. At the same time, as the measure would involve in the first instance a considerable loss of revenue, he would impress on his colleagues the advisability of acting with caution. But if they should arrive at the conclusion that the existing unit of weight did check correspondence and was oppressive to the poorer class of correspondents, he could only say that he would not recommend his colleagues to do otherwise than give a liberal reception to that conclusion. He was glad to find that newspapers would come in for a share of the benefits conferred by the new Bill, and he might add that the concession of that boon was not likely to be attended with any loss to the revenue.

The Motion was put and agreed to.

The Hon'ble MR. GREY said that he had some amendments to make. He proposed to omit, in Section 43, the words "and every person who shall aid, abet or conceal any of the offences mentioned in this Section," and the like words "or shall aid, abet or conceal any of the above-named acts" in Sections 49 and 50, and also the like words "or shall aid, abet or conceal any such acts" in Section 51, and to add a new general Section after Section 51 to the following effect:—

"Whoever abets, within the meaning of the Indian Penal Code, or conceals any offence made punishable by this Act, shall be punished with the punishment provided for such offence."

and then he should move that the Sections of the Bill which were now numbered consecutively as 52 to 64 be numbered consecutively as 53 to 65.

The Motions were severally put and agreed to.

The Hon'ble MR. GREY also moved that the Bill as amended in Committee, with the additional amendments now approved, be passed.

The Motion was put and agreed to.

PARTNERSHIP LAW AMENDMENT BILL.

The Hon'ble the PRESIDENT moved that the Report of the Select Committee on the Bill to amend the Law of Partnership in India, be taken into consideration. He said that the Select Committee had recommended that the Bill should be passed without amendment, that is, with the omission of a Section corresponding with the Section of the English Act, which in case of insolvency postponed the commanditarian lender to other creditors. The Select Committee gave as its reason that it considered the Bill a beneficial measure, and saw no reason for limiting its operation. The fact was that all the arguments for the Bill were arguments for omitting the fifth Section of the English Act. If there was any thing in them at all, they proved the expediency of the measure without qualification or restriction. He would not repeat the reasoning which he employed when the Bill was before the Council on a former occasion, nor the more cogent reasoning of His Excellency the Commander-in-Chief. But he would submit to the Council that, considered as a question of principle, there were two sides to the question before it, and no more. The rule which the Bill proposed to set aside might be regarded from the point of view of jurisprudence, or from the point of view of political economy; and under both aspects it appeared open to fatal objections. First, as to jurisprudence: the rule which said that participation of profits should of itself constitute the lender a partner was open to the objection that it created a contract without that which was essential to the existence of a contract—namely an agreement. Partnership was a contract. It was a contract under which one intending partner agreed with the other, that that other should be his agent in matters within the sphere of the business. But this rule created a partnership, not only without the agreement of the parties, but in the teeth of their violent disagreement. If you asked the commanditarian lender and the commanditarian borrower whether they desired to make one an agent for the other, they would answer with an emphatic negative. Of course Mr. Maine did not deny that there were cases when the law created a contract by implication. If one man paid money to another by mistake, the law implied an agreement or promise on the part of the receiver that he would pay back the money. But the ordinary juristical explanation of that was, that if the receiver were a person of good conscience, he would under the circumstances actually make the promise. But in order to apply that principle to the present case, it was necessary to assume that when a lender advanced money upon interest varying with and coming out of the profits, his conscience was burdened with the necessity of promising to pay all the borrower's debts, whereas if he advanced money at a certain percentage on the advance, there was no such burden on his conscience, but in equity and good faith he might recover the whole of his loan and protect himself with any kind of indemnity. It was a curious commentary on the theory that there was some natural connection between partnership and participation in the profits, that the connection could only be established by violating the nature of a contract.

Turning, on the other hand, to political economy, surely there was no plainer proposition than that when a trader or a trading firm borrowed money,

there was no legitimate fund out of which interest could be paid for the loan, and no fund out of which it could in fact be paid for any length of time, except the profits of the business. Mr. Maine supposed it would be allowed that interest could not be paid out of the losses, and, if it were paid out of capital, it was a process which must soon come to an end. Now then, take two classes of lenders; one, the commanditarian lender, was remunerated in exact proportion to the profits. If the profits were large, his interest was large; if the profits were small, his interest was small; if there were no profits, he got no interest at all. Under no circumstances could he transgress the limits of the legitimate fund. If the firm failed, it must be through ill-luck or mismanagement, it could not be through absorption of the profits. The other class of lender, the ordinary lenders, who were paid at a fixed rate, were entitled to their interest, profit or no profit. There was nothing to prevent their eating into the capital of the firm year after year, and thus contributing to its ultimate insolvency. It would seem, then, on principle, that if any lender required protection and encouragement, it was the commanditarian lender. But the proper course was to leave both classes of lenders to the ordinary laws of trade. Mr. Maine could not conceive a greater economical paradox than was occasionally witnessed, as he was informed, in Calcutta. Some unlucky Natives, trusting to a supposed usage, had advanced money to a firm on the commanditarian system. The firm became insolvent, and when its affairs were investigated before the Court, it turned out that the factor or banyan, who was the intermediary between the firm and the bazar, had been lending money to the firm at 40 or 50 per cent., and now claimed from the commanditarian lenders all his advances which he had not covered by assignment to himself of the assets.

The truth was, that the only argument against the Bill was the conservative argument that the system had not been tried, and therefore ought not to be tried, or tried only under such restrictions as would mutilate or paralyse it. And no doubt the defenders of the Bill were under a difficulty from the comparative paucity of precedents to point to. Nobody had heretofore come into contact with the commanditarian system in England except by ill-luck. There was, however, one example the other way, of comparatively recent date, which might serve to illustrate the commanditarian system approximately, if not exactly. It would at all events serve to show that it was something very unlike what it was generally supposed to be.

Mr. Maine imagined that if anybody opposed this measure, it would be the great Joint Stock Banks and their Managers. Mr. Maine had not the smallest reason for saying that there was such opposition actually; but the Banks had at present a monopoly of the lending business; and this measure would undoubtedly have the effect of introducing the competition of private lenders, though not for the same class of loans. Now, upon what principle did the Joint Stock Banks do business? He might presume the Council to be aware that they traded, not only on their paid-up capital, but also largely, and in some cases very largely, upon the deposits of their customers. These deposits were in effect loans to the Bank, and Mr. Maine would observe at starting, that whatever objections existed to trading partly with the capital of a partnership, and partly with auxiliary capital taken up on loan, applied with full force to the trading of Joint Stock Banks. If there were any thing in the argument against the Bill, it ought to prove that the fewer deposits a Bank obtained, the greater was its stability. But unfortunately for the objection, the reasoning of the commercial world was the other way, and it was generally believed that the greater was the number of depositors, the greater the solidity and prosperity of the Bank. What, however, might perhaps escape notice was that these deposits were, not immediately but ultimately, not exactly but nearly exactly, commanditarian loans. The Joint Stock Banks in England now invariably paid interest to their depositors, at a rate varying with the value of money in the market; higher when money was dear, lower when it was cheap. The actual standard followed in most instances was, he believed, the rate of discount of the Bank of England. It was, however, well known that the periods at which money was dear were the periods at which the banking business was most profitable; and hence the rate of interest paid to depositors was in the long run a rate varying with the profits of the Bank.

Let the Council, however, observe that the Banks, though they borrowed money on the system just described, always lent money on the old or ordinary system. It followed, therefore, that all this great and flourishing business of Joint Stock Banking, which had received such immense extension of late years, was organised on the principle that borrowing on the commanditarian system was advantageous to the borrower, while lending on the ordinary system was advantageous to the lender. The Banks borrowed on one principle, and lent on the other, and made their profits between the two. But it would be seen that the whole of the argument against the Bill proceeded on the opposite assumption to that practically made by the Banks. It was assumed by the objectors, that lending on the commanditarian system was so advantageous to the lender that he ought to be placed under a disadvantage to compensate him for his natural advantage. On the other hand, it was assumed that if a man lent on the ordinary principle, he enjoyed no such advantage as ought to prevent his exercising to the full his rights as a creditor.

Other interesting illustrations of the probable effects of the measure might be gathered from the Joint Stock Banking system. Thus, deposits were never taken at interest except under a stipulation that a certain notice should be given before withdrawing them; and indeed, if he were called upon to furnish an analogy to the partnerships trading partly with their own capital, partly with auxiliary capital borrowed from commanditarian lenders which might be expected to grow up under this measure, he should point to the Joint Stock Banks The partners would correspond to the shareholders the commanditarian lenders to the depositors, and the analogy would be nearly complete. It seemed therefore, to him that, unless the Council believed all Joint Stock Banking to proceed on an unsound basis, they must pass the Bill: and, further, unless they thought that the depositors ought to be postponed to all other creditors of the Banks, they must pass the Bill without the English Section.

The Motion was put and agreed to.

The Hon'ble Mr. Muir moved as an amendment—

That a Section be added to the Bill to the general effect of Section 5 of the Act of the British Parliament passed last year, To amend the Law of Partnership.

"*Section.*—In the event of any such trader becoming insolvent, or taking the benefit of any Act for the relief of insolvent debtors, or entering into an arrangement to pay his creditors less than sixteen annas in the rupee, or dying in insolvent circumstances, the lender of any such loan, as aforesaid, shall not be entitled to recover any portion of his principal, or of the profits or interest payable in respect of such loan, nor shall any such vendor of a good-will, as aforesaid, be entitled to recover any such profits as aforesaid, until the claims of the other creditors of the said trader for valuable consideration in money or money's worth have been satisfied."

Mr. Muir said he had felt unwilling to take any prominent part in the proceedings respecting this Bill, because it related to a question in which he had no special experience. But the more he had studied the subject in the light of the debates in Parliament, and the reports received from the several Provinces, the more convinced was he that the opinion which he had ventured to express on the introduction of the Bill was well founded, and that serious risk to commercial credit would ensue throughout the country if the Bill were passed without the English Section of which he had now moved the addition.

During the past Session, the Imperial Parliament, after a careful and prolonged discussion, had proceeded as far as was found prudent and safe, in freeing the liability of trading capital.

Following the French commanditarian system, Parliament had established a new species of liability. Persons could now contribute capital in the shape of a loan, for which they might stipulate to receive a rateable share of the profits, or interest varying with the profits, and yet not be held responsible as partners. But they were to be in the position of "postponed creditors," that is, they could not recover from the firm, if it proved insolvent, till the ordinary creditors had been paid up in full.

Here, then, was a distinct and definite form of liability. Before this enactment, there had been two forms of liability, unlimited and limited. Now there was established a third or mixed form. The commanditarian sharer, as regarded the public, was liable to the extent of his contribution; as regarded the firm itself, his liability was determined by the contract. No registration was required as in the case of Limited Joint Stock Companies; but, on the other hand, if the commanditarian sharer interfered in the management, he might incur an unlimited liability.

Such, then, was the effect of the English Act. It created a new and distinct species of liability. And the public knew, or might easily know, with what form of Trading Association they were dealing.

Now he (Mr. Muir) would observe, that the present Bill was introduced as a counter-part of the English Law. The Hon'ble member, in recommending the measure, had stated distinctly that he expected it to produce, in India, "the same effects" as had been realized in France and in England. He would quote his words:—

In the Statement of Objects and Reasons, he said—"The Bill is expected to produce the same effects as the French system of partnership *en commandite*."

And in his speech introducing the Bill, he told the Council—

"That the Bill which he had the honour to ask leave to introduce was, with some alterations necessitated by Indian procedure, transcribed from a Statute which passed the English Parliament during the last Session. If it became law, he hoped it would have the same effect as the French system of partnership *en commandite*."

But in reality, by the omission of the 5th Section, the enactment had been entirely altered, and the effect would be essentially different. Instead of a definite form of interest with a distinct liability, there was, under this truncated Bill, no definite or distinct form of liability at all. The public would not know with what they were dealing, and he (Mr. Muir) apprehended that the action of the Bill in this shape would be seriously to endanger commercial credit.

He would now ask what reasons had been alleged for the omission of the 5th Section. It appeared to him that there were but two. First, that the Section was illogical; and second, that borrowers and lenders should be allowed to make what terms they pleased.

As to the first ground, viz., want of logical consistency, it did not seem to him to deserve much consideration. It was said that in the first Section we declared that to receive a share in the profits did not of itself constitute a man a partner; whereas Section 5 enacted a liability only justifiable on the ground that he was a partner. But it was quite conceivable that, though a man might not be a partner in the technical and full sense of the word, he might yet possess a degree of interest equitably involving a modified liability. At any rate, they had the best of all reasons for the provision in the practical logic of experienced and prudent merchants, who deemed the precaution to be necessary.

The other reason required greater attention. It was said that we ought not to trammel the money market. A trader should be free to borrow capital in any way he liked. If he chose to contract a loan, stipulating to give the lender a full share of the profits, exempting him at the same time from all risk, why should the law step in to interfere with these terms and vary them?

He (Mr. Muir) fully admitted that we had no right to interfere with the terms of such contracts. But he would ask, between whom was the contract made? Simply between the trader and the lender; and it bound them. But it bound no one else. It did not concern third parties, and could not by any possibility bind them. It was a private contract, and not known to the world.

It would be quite different, if, in all transactions with third parties, the trader were previously to tell them of such contracts: if he were to warn them that such a portion of his stock-in-trade was not to be held liable for his engagements. If the trader had thus disclaimed liability, then, and not till then, it might be urged that the public was justly affected by the contract. As Joint Stock Companies were not exempt from unlimited liability until they had announced the limitation to the world, so it seemed to him that any limitation of liability stipulated in a private contract could not equitably bind the public until it had been announced to them. And, in the absence of such warning, he held that the liability of the parties to

the contract in respect of their creditors was determinable by an entirely different principle.

What, then, was the principle by which the liability of a commanditarian lender was to be judged? He (Mr. Muir) held that it was by outward appearances. Wherever a person shared in the profits, he was presumed by the public to be responsible in the capital on which those profits were calculated. What was apparent, was identity of interest in the profits; what was concluded, was identity of risk in the stock. Thus, in the English debate the Attorney General had said :—

"But it could not be denied that the ordinary creditor would be inevitably influenced by the capital visibly employed in the trade, by the stock-in-trade, and by the means which the trader was able to present to the world as the foundation of his undertaking. Credit was therefore given to the trader on account of his visible means or stock-in-trade."

In fact, the idea that to share in the profits necessarily implied a corresponding risk in the capital did not (as the Hon'ble introducer of the Bill had said) arise out of a mere legal fiction. It may have been overlaid and disguised by that fiction. But it was a popular idea prevalent all over the world. The connecion of profits with risk was so axiomatic, that there was absolutely no word in any language that he knew of to express the opposite, that is, to express the relation of a person who shared in the profits, but did not share in the risk. That there was no such word in the English language he had on the authority of the Hon'ble mover himself, who stated in his speech—

"That it had become common to call the relation established between the borrower and the lender who was remunerated according to the rate of profit, 'a Commanditarian Partnership.' And there was some convenience in so styling it, because we have not at present any compendious phrase expressing the relation."

There was certainly no phrase of the kind in the Indian languages; the idea seemed to be unknown; and the difficulty of explaining it had no doubt led to a good deal of the vagueness and uncertainty in the replies which had been received from the Native merchants. In short, the dissociation of profit from risk was opposed to the popular notion of right and wrong. He might quote some remarks of the Bengal Chamber of Commerce on this head. Their Secretary wrote :—

"On the other hand, I am instructed to urge that, as a matter of fact, such commanditarian loans are unlikely to be made in this country, except in the expectation that the condition stipulated for, of sharing in the profits, is likely to prove much more remunerative to the lender than a mere interest on his money, and that it is just and right that if the lender has all the benefit and advantage of participating in trade profits, he should also bear its risks to the extent of his capital embarked in such trade. The lender would then practically be in the position of a shareholder in a Limited Company, liable only to the extent of his capital embarked therein, but not entitled to a return of any share of such capital in the event of a winding up until the claims of all *bonâ fide* creditors had been met. Immunity to this extent against the unlimited liability of partners, under the existing law applicable to private trading partnerships, is all that, in the opinion of the Committee, is required to induce the investment of capital in such partnership, under the provisions of this Bill. And it is all, in their opinion, which commanditarian lenders can reasonably or equitably require."

He (Mr. Muir) was therefore entitled to conclude that wherever the public found a lender sharing rateably in the profits, it presumed that he was responsible for loss in respect of his capital; and that unless the public were distinctly warned to the contrary, they might equitably hold the sharer in the profits so responsible.

Mr. Göschen, an authority that would not be disputed on the opposite side, had made a statement in the debate in Parliament, implying that the two things were correlatives :—

"He believed that the proposed system would not lead to fraud in the way suggested, and that the managing partners would not allow those who advanced money to share in the profits without sharing in the losses."

He would now proceed to state some of the practical objections against the omission of the 5th Section. And in so doing he would refer to cases in which the commanditarian lender took his full share of the profits. The Hon'ble President, in the speech he had just made, had confined his remarks to cases of loans at simple rates of interest varying with the profits; and if the Bill could have been limited to such cases, no ill effect might have ensued. But the measure embraced persons taking a full and unlimited share in the profits, and he (Mr. Muir) was entitled to direct his argument to such cases.

He would speak first of transactions in which there was no subterfuge or bad faith. Now, even here, the omission of Section 5 might injuriously affect third parties. The greater portion of the stock of a concern might belong to a commanditarian lender. In a series of prosperous years, he might have reaped extravagant returns; then follow a series of losing years, in which, by virtue of his exemption, he contributes nothing to maintain the stock. In such a case, notwithstanding what the Hon'ble Mover had said, the capital might virtually be reduced by the profits of the commanditarian lender. A crisis comes: is it fair that he who, by his long drain on the profits and neglect to share in the losses, mainly contributed to the failure, should share in the assets equally with the outside creditor in ordinary trade, who naturally looked upon the commanditarian lender as responsible to the extent of his capital, but now finds that, by a private contract, he had exempted himself from liability? The Attorney General in alluding to such a contingency had said :—

"But supposing the person who took no share of the risk furnished all the means, then the whole resources of the undertaking would be derived from the loan so made, and there could be no doubt that there might be some risk of injury, if the creditor who went in for an unlimited share of the profits were able to go in also for a share in the assets of the business to which the credit might have been given. The person who advanced the money had sent the trader into the world with the appearance of solvency, and the stock-in-trade ought, therefore, in the first instance, to be subject to the ordinary creditors."

It had been objected that the same result might follow from the lender stipulating for exorbitant rates of interest. The Attorney General had shown that—

"if a man lent money at the ordinary rate of interest, he could not be said to be investing it in the business, because he left all the benefit as well as all the risk to the man who was carrying on the trade."

But where the interest was exorbitant, the Attorney General had stated that, if the provisions of the Bill were evaded in that way, he would not be—

"Unfavourable to the drawing of a line, if it could be done, beyond which it should be determined that a high rate of interest was a mere cover, and of placing such persons in the same situation as the lender who contracted for a share of the profits."

He (Mr. Muir) did not quite agree in this view. He thought that a distinction might be drawn

between the lender of money on interest whether moderate or exorbitant, on the one hand, and the commanditarian sharer on the other, based on a wider and truer distinction. The two classes were in fact separated by a broad line of discrimination.

When a person contributed funds carrying their share in the profits, what was the impression on the public mind? As already shown, the impression was, that the stock was responsible for the engagements of the house. It added to its stability in outward appearance. Traders dealt with it, and gave credit, partly on the appearance and presumption thus created. And in case of failure, the public justly held the commanditarian lender's capital, with the rest of the stock, responsible for the engagements of the firm.

The case was entirely different with an ordinary loan at interest, whether moderate or exorbitant. Such a loan did not necessarily add to the credit of the house. In some instances, being forced to seek a loan might rather detract from its credit; and the higher the rate of interest the more it might detract. The public did not look to that loan as an asset for the fulfilment of the firm's engagements. And whatever the rate of interest, the public, consequently, had no right to hold such a contribution liable.

In short, the commanditarian lender took his stand on the side of the house, shared in its profits, had access to its accounts, was immediately and deeply concerned in its success. Therefore, though not a partner, he might be held equitably a sharer in its fate as in its profits, to the extent of the capital he had embarked upon it. The lender at interest on the other hand was over against the house; he belonged to the class who had claims against it.

He had spoken hitherto of cases in which there was no *mala fides*. But if the 5th Section were omitted, third parties might suffer also from bad faith.

Under the shadow of the Bill, the real trader might put forward men of straw, and himself keep in the background. It was true that if interference was proved, such a trader might be made liable. But it was notorious that interference and collusion were extremely hard to prove. And if not proved, if the trader successfully stood aside, to outward appearance, he could not be made responsible though he had enjoyed nine-tenths of the profits. He might even have secured his pretended loan by a lien on the assets, and thus, coming in to the exclusion of the ordinary trade creditor, sweep all the assets away. It was to guard against abuses of this nature that Section 5 was especially required. He would again quote from the Attorney General;—

"It had been suggested that by possibility the real trader might not hold out his name to the world, that he might furnish all the means and stipulate for the profits, and in that way avoid running any risk. This clause was intended to supply a practical security against any evasion of the law of that description. It might be objected, that the lender could withdraw the amount of his advances before the other creditors got possession of the bankrupt's property, but in such a case an investigation could take place to ascertain whether there had been a fraudulent preference, and if so, it could be dealt with by the existing law. What was proposed by the Hon'ble Member for Brighton (Mr. Moore) would enable the person who might be the real trader to come in at the last moment and sweep away the ostensible means of the business *pari passu* with the other creditors, or perhaps in preference to them."

"The clause would in reality act as a check on the formation of a fraudulent undertaking between the trader and the partner who advanced him money on the condition of participating in the profits of the business. The partner enjoyed the benefit of the business if it was prosperous, and if it was not prosperous he ought to share to the limited extent to which he had embarked capital in it in the loss which it entailed. He was of opinion, then, that they would be proceeding safely and cautiously, and taking good securities against abuse, if they were to adopt this clause."

Such being the case, he (Mr. Muir) was justified in concluding that if the Bill were passed without the English Section, the tendency would be to create distrust and want of confidence in the mercantile community. No one would know with what they were dealing. It might outwardly be a substantial house, and credit given accordingly. In reality it might be a house built as it were of cards, that would fall at the first touch, the whole stock having by special agreement been exempted from liability. It was very much on grounds of this nature that the Bengal Chamber had urged the retention of Section 5. The Secretary had thus reported:—

"I am instructed further to point out that, though the exceptional privilege which will be conferred on commanditarian lenders by this Bill, should it pass without a Section corresponding to the 5th Section of the English Act, may encourage advances by way of loans to trading firms, yet that their stability may not thereby in reality be practically increased. A firm obtains credit on the reputation which it enjoys of having a certain capital invested in it proportioned to its extent of business, and available to satisfy the demands of creditors in the event of losses; but if a great part, or, as may prove in some cases, the whole, of such capital, is not capital in this sense, but merely loans which the commanditarian lender can at any time withdraw, or for which, in the event of insolvency, he can rank on the debtor's estate in competition with other creditors, no confidence will be placed in such firms. Their ordinary trade creditors will press them whenever general confidence is in any degree shaken, and what might under other circumstances have proved a mere temporary pressure may, through a withdrawal of support at a critical moment, result in disastrous failure. On these grounds, and also on the general ground of the undesirableness that any difference should exist between the law in India and the law in England on this subject, my Committee respectfully recommend that a Section similar to Section 5 of the English Act be introduced into the Bill.

He might also quote the opinion of the Madras Chamber of Commerce. It had resolved:—

"That the Chamber, while cordially approving the principle of the Bill introduced into the Legislative Council of India, for the amendment of the Law of Partnership in India, is of opinion that the clause in the English Act relating to the position of commanditarian partners in cases of insolvency, should be retained in the Indian Act, and that its omission would be calculated to remove a salutary check on reckless lending and borrowing, and to lessen the stability of commercial firms."

By all means let such reckless trading and firms resting on no certain basis of capital exist if they pleased; but let it be on a system by which society at large might be aware of the high pressure and dangerous machinery which they brought into play. And if there was no means of warning the public, then he (Mr. Muir) thought that the Council could not safely dispense with the English Section.

He considered it highly creditable to the gentlemen of both Chambers that, though they might naturally have been swayed by the additional convenience to themselves which, on retirement, they might enjoy if the Section were omitted, they had looked beyond these attractions, and had wisely considered the injurious results which might thereby accrue to commercial credit at large. The

Trades' Association, on the contrary, had apparently been dazzled by the advantages to retiring partners, and in their report had made no allusion whatever to the possible risks that might be apprehended.

Mr. Muir proceeded to examine the Native usage in respect of commanditarian partnership. He reviewed the opinions which had been elicited by the enquiries made by Government, and contended that though there were occasional vagueness and inconsistency in the replies, the general sentiment prevailed almost universally, that to share in the profits of a business necessarily involved a sharing also of risk in respect of the capital embarked. Apart from theoretical opinions on the Bill, the evidence, he said, went to show that this was the usage and custom of the country. Mr. Muir also read extracts of a letter from Mr. Thornhill of Allahabad to the same purport.

The Bill without Section 5 would thus, Mr. Muir said, place the law in opposition to the Native usage. The Hon'ble the President would tell him that, if such a usage were proved, then the Bill (which merely provided that the receipt of profits did not *of itself* constitute partnership) would not relieve the commanditarian lender from liability. But the (Mr. Muir) needed not to point out that it was extremely difficult to give legal evidence of a usage. The reports now before the Council amply proved this. There might be no moral doubt of the usage, and yet it might be almost impossible to prove it in the Courts. And if any such cases as those he had before supposed should hereafter occur,—if in opposition to Native usage and through the force of this law, a person who had shared in the profits were, on insolvency, to share also in the assets—he need not say what a shock would be given to credit throughout the country. Mercantile credit was a tender and sensitive plant, and we ought not to countenance any system by which it might be rudely assailed. He therefore earnestly begged the Council to pause before they gave their sanction to a measure which might be productive of such grave results.

In conclusion, Mr. Muir said that he had gone into these objections against the omission of Section 5, though it really was not necessary for him to have done so. Because the burden of proof rested upon those who wished to depart from the provisions of the English Act.

He took his stand upon two principles—

First.—That in our Indian legislation we were bound to follow the English commercial law, unless we could prove a specialty in the circumstances of this country requiring deviation from it.

Second.—That we ought to provide the same safeguards against an abuse of the law, which Parliament had established in England, unless we could shew that the corresponding risks had no existence here.

On the first of these points he could not do better than quote from the remarks of a gentleman whose late departure from India and from this Council they all so much regretted. They coincided exactly with his own sentiments :—

"There was another argument against the omission of a Section corresponding with the 5th Section of the English Statute, with which the Hon'ble mover of the Bill had himself supplied them, when asking leave to introduce the Bill to adapt to this country the English Companies' Act of 1862. The Hon'ble gentleman had then argued that, when a principle had been adopted by the more active and numerous commercial society of England, it might fairly be tried in the commercial society of this country, provided that no argument could be used against it, which might not have been urged in England and had not prevailed. Now objections were taken to this Section when the measure was discussed in the House of Commons, but though there was a large majority of the Committee in favour of the general principle of the Bill, the mover of an amendment that this Section should be omitted did not venture to press it to a division. He (Mr. Bullen) thought the question of omitting this Section required great consideration, and he reserved to himself the right of moving at a future stage that it be inserted in the Bill."

On the second head, no argument whatever had been adduced to shew that the same risk and danger of evasion and subterfuge did not exist here as it was admitted to do in England. On the contrary, voices of warning had been raised against the omission of the fifth Section from all parts of the country, and from the Native community, as he had shewn, equally with the European. Was commercial credit so much more hardy and vigorous in India, that we could here dispense with securities deemed absolutely necessary in England? And not in England only, but in France, in the United States, and he believed in every country in the world : for, so far as he could ascertain, there was no country in which the proposed relaxation of liability prevailed.

That being the case, it would require some weighty and convincing argument indeed, such as he had yet to hear, for introducing a change so vital and so serious into the law of trading liability ;—a law which had been anxiously discussed at every point, in both Houses of Parliament, by men of the highest mercantile experience, and which had met with the emphatic and unqualified approval of so distinguished a Law Reformer as Lord Brougham.

Those who would reject the Section might think that in this small Council there was greater wisdom than in the collective Houses of Parliament. For his part, he (Mr. Muir) preferred to follow the conclusions of the Imperial Legislature.

The Hon'ble Mr. Cowie said that, as he was a Member of the Committee on this Bill and concurred in its report, it might have been unnecessary for him to say any thing on the present occasion, but he held it to be more courteous to those of his brother merchants who differed from him in opinion, that he should briefly state in this Council his reasons for supporting the Bill as it stood without the introduction of Section 5 of the English Act.

He conceived that Section to be entirely opposed to the spirit of the Bill before the Council. That spirit was to conduce to the influx and extension of capital among private firms on principles of limited liability ; but he asked, what capitalist would be tempted to become a commanditarian lender when he was told by this Section 5 that, if he placed money in a firm and it became insolvent, he would in ninety-nine cases out of a hundred lose the whole of it. Practically, this would be the effect of the Section, for it was unfortunately matter of history in all countries, that in a commercial insolvency, whether it arose from unavoidable misfortune, or reckless trading, or an ignorance of some of the first principles of business, the result was a dividend or dividends, but never, except in very rare and honorable exceptions, twenty shil-

lings in the pound. The commanditarian lender in such circumstances would never receive a penny from the insolvent estate.

When this Bill was first introduced, he (Mr. Cowie) mentioned an argument as likely to be used against it, viz., that the lender would have the advantage over other creditors of inspecting the affairs of the borrower and of drawing out his money when he saw that they were in a precarious position. That argument was used, but he thought there was more to be said against it than in its favour. The public had two safeguards against this: one that the Bill only declared that the lending money for a share in profits should not *of itself* constitute a partnership. But there were many modes in which a partnership might be proved, and he could readily fancy the ingenuity of the law fixing a man as a partner for exercising that precise degree of supervision of a business which he had flattered himself would enable him as a commanditarian lender to withdraw his funds in critical times. The other safeguard was, that no firm in its senses would take such funds without stringent arrangements as to the circumstances and periods of their withdrawal.

The Hon'ble Member (Mr. Muir) had expressed his regret that he had had no personal experience in matters of partnership. He (Mr. Cowie) gave the personal fact for what it was worth when he mentioned that he had been for twenty-four years a member of a firm in this city, wherein he had been connected with seven or eight partners, senior and junior, and with that experience he cordially voted for this Bill, excluding Section 5 of the English Act.

The Hon'ble Member in one part of his address appeared to him (Mr. Cowie) to assume that the more a firm had the command of, in the shape of capital, commanditarian or otherwise, the more recklessly speculative it would become. His experience of mercantile life had been different. He had always found that it was the men of small means who thronged the avenues of Basinghall Street and the High Court, and not men who had started with real capital. With reference to the opinion received from the Madras Chamber of Commerce, he was able to state that the retention of Section 5 was debated in a full meeting of twenty-one members, of whom eleven were for, and ten against it.

The Hon'ble Rájá Sáhib Dyál, speaking in Hindustání, said if the lender who advanced money in consideration of receiving a share of the profits were declared irresponsible for the losses of the firm to which he had made such advance, mercantile credit would undoubtedly be seriously affected, and as credit was the basis of all mercantile transactions, commerce itself would be checked and its interests would suffer. The principle of the lender's not incurring the responsibilities of a partner by lending money on the above terms might be a good one when applied to Companies whose stock was divided into a number of shares of fixed amount; it was not, however, applicable to Indian mercantile firms in which there were only two partners. According to the custom prevalent in India, there were three privileges attached to partnership:—

1.—To receive a share in the profits.
2.—To inspect the accounts.
3.—To direct the affairs of the firm.

The two first were highly prized and were great strengtheners of partnerships, but the last being looked upon with disfavor tended to weaken partnership, for if one of the partners was an able man, the management was often made entirely over to him; such was the case when an infant or Purdah lady succeeded to a partnership, and retained his or her interest in the house, such infant or lady, in case of reverses, bearing his or her full share of the firm's responsibility. The present Bill enabled persons to enjoy the two first of these privileges, viz., the profits and inspection of the accounts, which, as he had shown, were alone prized, and absolved them from responsibility because they did not enjoy the last, which, as he had already said, was considered of little value.

The transactions of an Indian mercantile firm generally amounted to more than ten times its capital, bills being drawn on consignees against the goods despatched to them. These bills were negotiable, and indeed the commerce of the country was carried on almost entirely through such bills of exchange. The measure now before the Council would, however, by engendering suspicion in the minds of traders, destroy the credit which rendered the said bills of exchange negotiable, and would thereby paralyse the commerce of the country.

So, in partnerships for one single transaction, there would be danger of collusion; the capitalist, in case of loss, claiming to be a commanditarian partner, and his partner for a consideration affirming his statement. For instance, grain was bought at a time of threatened drought at a high rate per maund; a plenteous rain suddenly fell and the price of the grain so bought fell to a figure that would entail heavy loss on one of the partners by whom the money for the transaction was to be advanced; to avoid this, he claimed to be a commanditarian partner, his moneyless partner affirming his statement on the understanding that he should receive a handsome present when released from the imprisonment which his insolvency would probably involve. This state of things would evidently be very prejudicial to this kind of partnership, which was the one generally obtaining in the Mofussil.

He would repeat that, unless the Section proposed in the amendment now before the Council were added, this Bill would sow the seeds of distrust and disunion among the merchants and traders; it would strike at the root of credit, and would give rise to endless lawsuits and injury to just rights throughout the country.

His Excellency the Commander-in-Chief had not intended to trouble the Council with any further expression of his sentiments on the Bill now before it. But in the course of debate certain points had occurred which induced him to offer a few remarks. In the first place His Excellency would say that his Hon'ble friend, Mr. Muir, had manipulated the evidence with considerable ingenuity. His Excellency did not read the evidence in the same manner as his Hon'ble friend. It was very true that the latter had been able to present the opinions of eight or ten persons which coincided with his own. But quite as many could be brought forward in the Bengal and Madras Presidencies in favor of the opposite view. How did the case stand if we travelled to the Bombay Presidency, to which the Hon'ble Mr. Muir had not made the faintest allusion? There we found, with one single

exception, a considerable number of firms which, as he (Sir W. Mansfield) knew from personal acquaintance, stood at the very head of the commerce of the country, and which were prepared to accept the Bill in its integrity. That was very important when we were asked to consider Native public opinion and the manner in which this particular measure was viewed by the Native mind.

With regard to the observations of the Hon'ble Rájá Sáhib Dyál, they had already been met by his Hon'ble friend, Mr. Cowie. It was impossible to say that credit was shaken by any method which invited capital for the purposes of commerce, and was based on a sound principle. It was said that the principle on which this measure was founded was unsound. His Excellency joined issue on that. Put the case of a commanditarian lender agreeing to lend on condition of receiving a portion or even the whole of the profits. Nothing could be more certain than that nothing could be paid out of profits if none existed. It was assumed by his Hon'ble friend, and by those speakers in the House of Commons on whom he relied so much, that there was a constant flow of profits until the firm failed. In his (the Commander-in-Chief's) opinion the commanditarian lender underwent peculiar risk In one year he got his profits, the next year, which might be a bad one, he got none. An Hon'ble friend of his, a member of the Committee who was not present, (Mr. Ross) had expressed his doubts whether the profits of trade were at all times equal to the interest exacted by lenders of fixed loans. That was a view which had not occurred to His Excellency as one unconnected with trade. But when he reflected on the exorbitant price of loans and discounts in times of great pressure, of panic or of commercial excitement, it was evident that there was reason for the remark, and therefore that they were liable to exceed the profits ultimately coming to the commanditarian lender. Assuming that the ordinary precaution had been taken, of making a special agreement, which the Hon'ble Mr. Cowie had described as certain to occur in every case of commanditarian loan, and by which the lender would be bound for a year or a term of years, it was evident that such a lender shared the hopes and fate of the house, instead of standing opposite to it and being an enemy, as asserted by his Hon'ble friend opposite. Then, the lender of loans at fixed interest demanded his right when there were no profits; the commanditarian lender, on the contrary, when there were no profits, was unable to make any demand. Which of the two, then, was the enemy of credit? the lender who supported the capital of the firm not making profits, by abstaining from demand on account of the money lent, or the lender who attacked the capital of the concern—that was to say, who demanded that interest should be paid out of capital when no profits existed? To a question put in that manner, there could be but one reply.

His Hon'ble friend proceeded to invoke the mantle of the House of Commons and to demand that our judgment should be entirely guided by a decision recorded by that august assembly. He had as much respect for the House of Commons and its decisions as was well possible. But it required little political experience to know that, when a party was described as consisting of experienced men, they might often be more fitly designated as interested. He had read yesterday the debate on which his Hon'ble friend laid so much stres; and he must confess that the perusal left no serious effect on his mind. He could only trace the desire of compromise on the part of the introducer of the measure, and of unqualified hostility on the part of those who opposed it. We should therefore not be guided by what he considered an erroneous decision. If any authority were wanted, he would rather take such an authority as John Stuart Mill, supported as he was by such lawyers as Lord Westbury and Lord Cranworth, the late and the present Chancellors, instead of men who might fairly be supposed to have an interest in its opposition.

The Right Hon'ble Mr. Massey said that, as he was not present when this important subject was last discussed, he was unwilling on the present occasion that the debate should close without his making one or two brief remarks. His Hon'ble friend who proposed this amendment had invited the Council implicitly to follow the course which had been prescribed by the Imperial Parliament with regard to the question. There was no man who had a greater veneration than himself for the British Parliament, and especially for that branch of it of which he had been an humble member for many years. But his experience had shown him that the argument, and the vote were not always in unision. This was not the first time he had heard the arguments urged by his Hon'ble friend Mr. Muir. His Hon'ble and gallant friend, the Commander-in-Chief, had really touched the sore point of the question. The Section mentioned in the amendment had originally been introduced, ostensibly on behalf of the creditor, but really because the whole system of commanditarian partnership was opposed by the old established firms, who disliked a system on principles novel and, as it appeared to them, disreputable and insecure. He did not wish at all to censure the motives which dictated that opposition. He thought it was a sort of opposition which a proposal of that kind was most likely to encounter. Now the clause was prepared ostensibly in the interest of the creditor. The creditor was formerly a great favourite of the English Law, and a great amount of iniquity and cruelty had been perpetrated to give effect to that partiality. Happily more enlightened counsels now prevailed But still one might observe, in English legislation, too great a disposition to take care of a person who was very well able to take care of himself. What was the origin of this question? It had originated about a century ago in a decision of the Courts in regard to this particular practice. This system had been introduced into the law of Partnership by the decisions of the Courts of Law, when the principles which ought to regulate commercial affairs were very imperfectly understood by Lawyers as well as merchants themselves. And what was the object of this Bill? It was simply to repeal that judge-made law, and to place the creditor of a partnership precisely on the footing of the creditor of an individual. For his part, Mr. Massey had heard nothing which would induce him to believe that there was any distinction between the position of a firm obtaining a loan and that of an individual borrowing money. Nor could he see that, if a person came forward and was disposed to lend his money to a firm on terms that the borrower was willing to accept, he should be precluded from the privileges attached by English

law to an ordinary lender. The Council had been told that there might be such things as fraudulent preferences pervading these transactions. Of course, fraudulent preference was a proceeding familiar to persons connected with commercial concerns. It had constantly been the object of commercial legislation to protect the general body of creditors from the preference which a creditor on the brink of insolvency might wish to show. But there was nothing in the amendment proposed by his Hon'ble friend which would meet a difficulty of that sort. His Hon'ble and gallant friend opposite had so completely answered the argument urged by his Hon'ble friend (Mr. Muir), and the President's lucid statement had so entirely anticipated the objections of principle which might be urged in behalf of this particular amendment, that it would be a work of supererogation on his (Mr. Massey's) part to pursue the subject further. The analogy between partnerships of this description and Joint Stock Banking Companies was complete and unanswerable, and if he wished to refer in particular to any class of commercial enterprises which had taken a deep root, he would refer to the Joint Stock Banks which had established themselves within the last few years all over Great Britain. That being so, he could not but come to the conclusion that, although this clause had been introduced into the Act passed in England, if the framers of the Bill had not been subject to influences which all connected with the course of English politics would understand, they would have preferred the measure without a clause which was at once inconsistent and injurious.

The Hon'ble Colonel Durand entirely concurred with the principle of the Bill, and was not prepared to go with his Hon'ble friend, Mr. Muir, in his amendment, the arguments which had been adduced to the Council in opposition to Mr. Muir's first amendment being very forcible, while, at the same time, they had heard strong reasons, both from his Right Hon'ble friend Mr. Massey and the Commander-in-Chief, why they should not be entirely guided in questions of this kind by a decision of the House of Commons. It appeared to him, however, that one of the points in which the Council should regard this measure was its effect on the mass of the Native community. He confessed, both from the papers put before the Council, and also from his own knowledge of the country and what he had heard from well-informed mercantile men, that so far as the practice and habits of the country were concerned, this Bill was an innovation, and that the mercantile Native community would have, if this Bill was passed, gradually to conform to the novelty. He did not say they would not be able to do so. They would in time. At the same time he must repeat that, respecting the entire mass of the population, this was an innovation. He knew, as the Commander-in-Chief had pointed out, that the Parsees in Bombay were with but one exception entirely in favour of the Bill. It must be considered, however, that the Parsees were far more like Europeans, far more on the footing of one great mercantile community, than any other class of the Native population; and it was not fair to take them as representatives of the great mass of the Natives of this country. He thought it would be well if some sort of security could be provided. In France, from which country we derived the commanditarian principle, they had been very careful to register commanditarian loans very possibly, as the President had pointed out, the French law carried interference in minutiæ to a degree which acted as a check upon the free engagement of capital. Still he (Colonel Durand) thought that some simple system of registration might have been introduced into the Bill, which, without interfering unnecessarily with the affairs of the borrowing firm, would have been felt by the bulk of its creditors as some security. He would not go against the majority of the Committee or the majority of the Council. He agreed with the principle of the Bill as introduced, but he did wish that it had contained some provision for registering commanditarian loans.

His Excellency the Commander-in-Chief said that he would venture to correct what had fallen from the Hon'ble Colonel Durand in respect of the Bombay opinions having come solely from Parsees. The fact was that they came from merchants of every religion the single exception being from the house of David Sassoon & Co., a Jewish firm.

The Hon'ble the President said that he would have a good deal to say in reply to the observations of his Hon'ble friend Colonel Durand; but he thought that the subject had better be deferred until the Hon'ble Mr. Muir had moved his second amendment, which would raise the question of registration directly. As regarded the first amendment, he would add nothing to the arguments of His Excellency the Commander-in-Chief and his Right Hon'ble friend Mr. Massey. But he would assign one reason why a provision which might be good in England might be bad in India, in the fact that the amendment proposed by his Hon'ble friend Mr. Muir was completely unworkable. Mr. Muir had fallen into the mistake of supposing that there was any conclusive test of insolvency other than the result of an examination into the supposed insolvent's affairs before an Insolvent Court. Now there was a system of insolvency in the Presidency Towns, and he believed that there was some rude system of the sort in the Punjab. But India was a great deal larger than the Presidency Towns and the Punjab; and throughout the rest of India, it was impossible to apply the suggested provision. Let a case be supposed to occur in those parts of India where there was no insolvent law. A capitalist has lent two lakhs of rupees on commanditarian loan, and wants them back again. Is the borrower to reply that he is in debt to somebody else? May he decline to refund the money on the ground that he has not paid his káhnsámá's bill? Or is a third person to be allowed to intervene and allege that he has a claim against the borrower? Why, the claim may be fraudulent or collusive, or it may be made in good faith but it may be unfounded, or it may be legitimate, and yet if all the assets of the borrower were collected, there might be enough both for the claimant and the commanditarian lender? The state of things was very different in the Presidency Towns. There, when an insolvency occurred, the debtors of the alleged insolvent were called on to pay their debts, and the creditors to prove their claims, and after a balance had been struck between the two, it would be seen whether, in the words of the English Section, the estate paid twenty shillings in the pound. But throughout the rest of India no such conclusion could be reached, and it was impossible to have one system for the Presidency Towns and another for the Mofussil. You could

not have commanditarian lenders enjoying the full rights of creditors on one side of the Hooghly, and not enjoying them on the other; paid in full at Port Canning, but not in Calcutta; admitted to share in Kurrachee, but postponed in Bombay. As regarded the bulk of India, the provision of the Section was impracticable; in the Presidency Towns it was impolitic; but divided between the Presidency Towns and the Mofussil, he did not think he was using too strong a word in calling it absurd.

The Hon'ble Mr. Muir said, with reference to what had just fallen from the Hon'ble President, that he did not think it could be regarded as any valid objection against his amendment. If the principle of the Section were admitted, it would be easy for legal ingenuity to reconcile its application to Indian procedure.

Moreover, it appeared to him that the Section as it stood would not be inoperative. The result would be something in this way. If decrees were obtained against a firm, one by a commanditarian partner, the other by an ordinary trade creditor, then the trade creditor would be preferred in the execution of such decrees; and until his claim had been satisfied, that of the other would be postponed.

He (Mr. Muir) had not heard anything in the statements of the other speakers which required further reply. And he had only to beg that the amendment might now be put.

The Motion having been put, the Council divided—

AYES.

Hon'ble Rájá Sábib Dyál.
" Mr Muir.

NOES.

The President.
The Hon'ble the Lieutenant-Governor.
His Excellency the Commander-in-Chief.
Hon'ble Mr. Grey.
" " Taylor.
Right Hon'ble Mr. Massey.
Hon'ble Colonel Durand.
" Mahárájá of Vizianagram.
" Mr. Cowie.

So the Motion was negatived.

The Hon'ble Mr. Muir now moved the second amendment on the notice paper, viz., that in Section 1, after the words "in writing," the words "and registered" be inserted.

In the House of Commons, Mr. Moore, one of the two members who alone spoke against Section 5, had nevertheless urged that if the Section were omitted, the contracts under which commanditarian partnership was established should be registered. He said that—

"He would suggest that a proviso should be attached to the first clause, to the effect that every contract for a loan of money to a trade, upon a certain rate of interest out of the profits of the trade, should be registered. In the absence of such a proviso, they would be opening the door to a large amount of fraud. It had been stated that registration would be useless, because the person who lent the money would not be known, but he only desired that the fact should be registered."

If a measure of that kind had been thought necessary in England by those who opposed Section 5, how much more necessary would it be in India, where it was notorious that the disposition and facility for the fabrication of deeds prevailed to so much greater an extent than in Europe. It was not any special kind of registration, as that provided for Joint Stock Companies, which he pressed for, but ordinary registration. If this were not insisted on, we should be liable, on the failure of a house, to have commanditarian contracts forged and presented in Court with the view of collusively exempting the commanditarian partner from liability by an *ex post facto* agreement. Without registration, the honest trader would thus be liable to be cheated.

The Hon'ble the President could hardly think that his Hon'ble friend could intend his amendment to be carried as it stood. It would be necessary to say with what Registrar the contract should be registered. Mr. Maine supposed that the Registrar of Joint Stock Companies was intended. That proposal proceeded on a supposed analogy between two forms of limited liability, which, however, had little or nothing in common. The shareholder in a Joint Stock Company was a trader. He elected his Directors, controlled their mode of doing business at meetings, and had a status in a Civil Court which entitled him to an injunction against them if they acted contrary to the articles of agreement. But the commanditarian lender was not a trader. The moment he interfered in the trade, he became, by operation of the words "of itself" in the Section, a partner with unlimited liability. Moreover his Hon'ble friend had mistaken the object of registering the shareholders in a Joint Stock Company. That object was simply to let the creditors of a Company know who their debtors were. The capital was divided into a number of small shares which were constantly changing hands; and unless the holders were registered, it would be impossible to identify them when the Company was wound up. There was no such object in registration as his Hon'ble friend seemed to have in mind: for Mr. Muir intended, he supposed, to label by registration the firms which took commanditarian loans as in some way inferior to others. Registration, moreover, would lead to some extraordinary results. If these loans were registered, there must be an entry in the register when they were paid off. Now, suppose a creditor inspecting the register, and finding a commanditarian loan of a lakh of rupees first entered as contracted, and then as paid off, what inference was he to draw? Mr. Muir apparently wished him to rejoice that his debtors were free from the incubus of commanditarian loan. But Mr. Maine rather thought his inference would be that they had £10,000 less to trade on. The fact was his Hon'ble friend must make up his mind whether commanditarian loans were or were not good things for a firm. Very remarkable frauds might, moreover, be prepetrated by means of registration. A firm might advertise advances of one lakh of rupees from one person, another lakh from another, and third from a third; and all these advances might be imaginary or collusive. Mr. Maine had in fact been informed that such a mode of fraudulently obtaining credit was sometimes actually resorted to in America.

The Hon'ble Mr. Muir begged to state, before the discussion on this amendment went further, that the Hon'ble President had entirely misunderstood the object of the amendment. He (Mr. Muir) had distinctly stated that it was not special registration, as in the case of a Joint Stock Company, but "ordinary registration" that was re-

red; registration as in the case of ordinary urances or contracts to prevent the fabrication such documents.

The Hon'ble the President observed that in that e his Hon'ble friend employed the word "regis-tion" in a sense different from the Hon'ble Colonel rand, and from the English Members of Par-nent whom he had quoted. This it was which l misled him. Now, however, his objection was t the registration of partnership deeds was not npulsory under the registration law, but was tional, and there was no more reason to antici-e fraud in constracts of this kind than in any er kind of contract of loan.

The Hon'ble Mr. Muir resumed; it was not the President had said, his object by registra-n to label or stamp the commanditarian part-rship, indicating it thus to the world, but simply prevent the possibility of commanditarian part-rships being fraudulently set up by *ex post facto* pricated deeds. It was to secure the contract ing embodied in a *bonâ fide* genuine deed that pressed for compulsory registration. That was s sole object.

The Hon'ble the President said that the amend-ent would then be open to the second class of jections.

The Motion having been put, the Council vided—

AYES.

Hon'ble Colonel Durand.
" Mahárájá of Vizianagram.
" Rájá Sáhib Dyál.
" Mr. Muir.

NOES.

The President.
The Hon'ble the Lieutenant Governor.
His Excellency the Commander-in-Chief.
Hon'ble Mr. Grey.
" Mr. Taylor.
Right Hon'ble Mr. Massey.
Hon'ble Mr. Cowie.

So the Motion was negatived.

The Hon'ble Mr. [illegible] then moved his third amendment:—

"That a Sect[illegible] Bill to the effect that —"If by the us[illegible] merchants or traders the taking of the s[illegible] or of a rate of in-terest varying with [illegible] to imply partner-ship or liability on th[illegible] nder of any such loan, nothing in this Act [illegible] such partnership or liability."

He said he understo[illegible] from certain remarks which fell from the Hon'ble mover of the Bill in Committee, that this amendment would be a simple enunciation of the law as it now stood. If in a suit it were proved that a person sharing in the profits was by the usage and custom of the class to which he belonged responsible, this Bill would not relieve him from liability, because it simply enact-ed that the receipt of profits did not *of itself* constitute partnership. He had before stated, in moving the first amendment, that he feared that this concession to custom and usage would not prove any very sensible advantage, because it was a notoriously difficult thing legally to prove a custom. The reports now before the Council gave ample evidence of this. There might be a full conviction in the mind that the usage existed, and still it might be extremely difficult to bring it to the test of legal proof. Still the Section of which he moved the insertion, might be of some practical advantage. It would at all events keep the declaration of the law in conformity with the usage of the country. It had been objected in some of the reports otherwise in favor of the Bill, that it was so bald and naked in its form, that its provisions and eventual effects would not be intelligible to the Native community. Although, therefore, the amendment might merely state a principle latent in the enactment, he thought it would be of advantage as bringing that principle to view, and showing that the usage, wherever it existed, might be pleaded against exemption from liability, and that there was no intention to interfere with the custom of the country.

The Hon'ble the President said that the amendment was apparently moved under mis-apprehension of the effect of the Bill. The Bill would simply alter the general *primâ facie* rule, and any usage of trade or understanding between traders could be set up against that rule if it could be ascertained by the proper tests and proved by the proper evidence. He was afraid that the result of inserting the words would be to tempt the lower Courts to attach importance to usages imperfectly ascertained and proved. It was noto-rious that suitors constantly attempted to estab-lish almost any thing as a usage of trade, and one of the duties of Courts was to apply strict tests to such alleged customs.

The Motion having been put, the Council divided—

AYES.

Hon'ble Rájá Sáhib Dyál.
" Mr. Muir.

NOES.

The President.
The Hon'ble the Lieutenant-Governor.
His Excellency the Commander-in-Chief.
The Hon'ble Mr. Grey.
" Mr. Taylor.
Right Hon'ble Mr. Massey.
Hon'ble Colonel Durand.
" Mahárájá of Vizianagram.
" Mr. Cowie.

So the Motion was negatived.

The Hon'ble the President moved that the words "agree in writing to" be inserted after the word "same" and before the word "allow" in line 9 of the Explanation to Section 1.

The Motion was put and agreed to.

The Hon'ble the President then moved that the Bill as amended be passed.

The Motion was put and agreed to.

JUDGES' COMMISSIONS BILL.

The Hon'ble the President also moved that the Report of the Select Committee on the Bill to relieve the Governor-General of India in Council from the duty of signing the Commissions men-tioned in Sections 22 and 44 of the High Courts' Criminal Procedure Amendment Act, 1865, be taken into consideration. He said that the Com-mittee had no amendments to propose.

The Motion was put and agreed to.

The Hon'ble the President then moved that the Bill be passed.

The Motion was put and agreed to.

PUBLIC MUSEUM (CALCUTTA) BILL.

The Hon'ble the President also moved that the Report of the Select Committee on the Bill to provide for the establishment of a Public Museum at Calcutta, be taken into consideration. He said that the Select Committee had added the Superintendent of the Geological Survey of India to the list of *ex-officio* Trustees, and had precluded the Trustees from interfering with such portion of the proposed building as might be set apart for the offices and records of that Survey; that the Committee had provided that the Officers and servants of the Trustees should be public servants within the meaning of the Penal Code; that it had given the whole body of Trustees, and not merely the Chief Justice, the Vice-Chancellor of the University, and the President of the Asiatic Society, the power to appoint Curators of the collections of the Asiatic Society during the interval that must elapse before such collections would formally become the property of the Trustees. The Committee had also struck out, as merely declaratory of an indisputable right, the Section giving the Asiatic Society power to dispose of their present house. It had also struck out the Clause binding the Trustees to insure against fire the collections of the Asiatic Society. It would, the Committee thought, be difficult, if not impossible, to effect any such insurance for an adequate sum; and if such insurance were effected, the monies received in respect of it could not be expended in replacing collections of which a great part consisted of unique objects.

The Motion was put and agreed to.

The Hon'ble the President then moved that the words "But nothing herein contained shall be taken to authorise the exchange or sale of any of the articles mentioned in the thirteenth Section of this Act" be omitted in Section 9. And he also moved that the following words be added to Section 13:—"All objects taken in exchange under Section 9 of this Act for, and all monies payable on sale under the same Section of, any of such articles, shall be held on trusts and subject to powers and declarations corresponding as nearly as may be with the trusts, powers and declarations by this Act limited and declared concerning the same articles." The agreement between the Government and the Asiatic Society, in which the Bill originated, stipulated that in case the Museum Trust should determine the collections contributed by the Society should again become their property. To carry out this stipulation in its integrity, all articles belonging to the Society's collections had been exempted from the operation of the power of sale and exchange given to the Trustees. But it had been pointed out that it might be highly expedient to get rid of imperfect or decaying specimens and, accordingly, with the assent of the Society, the present amendment was proposed.

The Motions were severally put and agreed to.

The Hon'ble the President then moved that the Bill as amended be passed.

The Motion was put and agreed to.

INDIAN MARRIAGE ACT EXTENSION (HYDERABAD) BILL.

The Hon'ble the President also introduced the Bill to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts, and moved that it be referred to a Select Committee with instructions to report in a week.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts—the Hon'ble Messrs. Grey and Muir, and the Mover.

The Council adjourned till the 24th March.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

CALCUTTA,
The 23rd March 1866.

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